

**VILLAGE OF DOWNERS GROVE
PLAN COMMISSION**

VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE

August 3, 2015
7:00 p.m.

AGENDA

1. Call to Order

a. Pledge of Allegiance

2. Roll Call

3. Approval of Minutes – July 6, 2015

4. Public Hearings

- a. 15-PLC-0017 (Continued from July 6, 2015):** A petition seeking approval of a Special Use for a Fueling Station to redevelop the existing gas station. The subject property is zoned B-3, General Services and Highway Business. The property is located on the west side of Finley Road between Ogden Avenue and Warrenville Road, commonly known as 2212 Ogden Avenue, Downers Grove, IL (08-01-402-006, -007, -008). Ambrose Design Group, LLC, Petitioner; TrueNorth Energy, LLC, Owner.
- b. 15-PLC-0025:** A petition seeking approval of a Final Plat of Subdivision to subdivide the existing property into two lots. The property is currently zoned R-3, Residential Detached House 3. The subject property is located on the east side of Victor Street, approximately 130 feet north of 6th Street, commonly known as 5307 Victor Street, Downers Grove, IL (09-09-323-013). Xhevrije Osmani, Petitioner and Fikri Osmani, Owner.
- c. 15-PLC-0021 (Continued from July 6, 2015):** A petition seeking approval of a Final Plat of Subdivision to subdivide the existing property into two lots. The property is currently zoned O-R-M, Office-Research-Manufacturing. The subject property is located at the southeast corner of Ogden and Walnut Avenues, commonly known as 2801 Ogden Avenue, Downers Grove, IL (08-01-304-002, -003, -022, -028 and 08-01-307-001, -002, and -003). The Alter Group, Petitioner and Owner.

- d. **15-PLC-0022:** A petition seeking approval of a Special Use to permit the operation of a Warehousing Business (Internet Retail Sales). The property is currently zoned O-R, Office-Research. The property is located at the southwest corner of Highland Avenue and 31st Street, commonly known as 1001 31st Street, Downers Grove, IL (06-32-100-012). Pro Stock Hockey, LLC, Petitioner and Steel Family Real Estate, LLC, Owner.

- e. **15-PLC-0024:** A petition seeking approval of a Special Use to permit the operation of a Personal Vehicle Sales and Rentals (Automobile Dealership) business. The property is currently zoned B-3, General Services and Highway Business. The property is located at the southeast corner of Cross Street and Ogden Avenue, commonly known as 2501 Ogden Avenue, Downers Grove, IL (08-01-306-024). AJZ-Downers Grove II, LLC, Petitioner and Old Second National Bank, Owner.

5. Adjournment

THIS TENTATIVE REGULAR AGENDA MAY BE SUBJECT TO CHANGE

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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

JULY 6, 2015, 7:00 P.M.

Chairman Rickard called the July 6, 2015 meeting of the Downers Grove Plan Commission to order at 7:00 p.m. and led the Plan Commissioners and public in the recital of the Pledge of Allegiance.

ROLL CALL:

PRESENT: Chairman Rickard, Mr. Cozzo, Ms. Hogstrom, Mr. Thoman, Mr. Webster

ABSENT: Mr. Bassler, Mr. Quirk, Mrs. Rabatah (ex-officios Davenport, Menninga, Souter)

STAFF: Planning Manager Stan Popovich, AICP; Village Planner Patrick Ainsworth, AICP

VISITORS: Drew Mitchell 544 W. 7th Street, Hinsdale; Jeffrey Schwab, 190 S. LaSalle St. #1500, Chicago; Mike O'Conner with Holladay Properties; Doug Worth, 519 N. President Street, Wheaton; Javier Millan, with KLOA Consulting; Rosa Hudson, 5112 Forest Ave., Downers Grove; Bill and Therese Meike, 1103 Gilbert, Downers Grove; Scott Richards, 1130 Warren Ave., #401W, Downers Grove; Joe Scal; Bill Wrobel, 4729 Seely Ave., Downers Grove; Gordon Goodman, 5834 Middaugh, Downers Grove; Mike Davenport, 6636 Blackstone Dr., Downers Grove; Todd ____, 417 67th Court, Downers Grove; Bob Peterson, 6861 Camden Road, Downers Grove; Tim Penovick, 5512 Fairhaven Court, Downers Grove; Phillip Shaw, 5117 Brookbank Road, Downers Grove; Peggy DeLaney, 1431 Gilbert Ave., Downers Grove; Scott Curtis, 417 67th Court, Downers Grove; and Bill Challberg, 1132 Curtis, Downers Grove

Chairman Rickard led the commission in the recital of the Pledge of Allegiance and explained the protocol for the meeting. New commissioners, Irene Hogstrom and Mark Thoman were introduced and welcomed.

APPROVAL OF MAY 4, 2015 MINUTES

MINUTES OF THE MAY 4, 2015 MEETING WERE APPROVED ON MOTION BY MR. WEBSTER, SECONDED BY MS. HOGSTROM. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 5-0.

PUBLIC HEARINGS:

Chairman Rickard explained the protocol for the public hearing portion of the meeting and swore in those individuals that would be speaking on the following petitions:

FILE 15-PLC-0017: A petition seeking approval of a Special Use for a fueling station to redevelop the existing gas station. The subject property is zoned B-3, General Services and

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Highway Business. The property is located on the west side of Finley Road between Ogden Avenue and Warrenville Road, commonly known as 2212 Ogden Avenue, Downers Grove, IL (08-01-402-006, -007, -008). Ambrose Design Group, LLC, Petitioner; TrueNorth Energy, LLC, Owner.

Per Planning Manager Popovich, the petitioner requested a continuance of this hearing to August 3, 2015 due to making some revisions to the plan and following up with staff's request. Staff supported the continuation.

WITH RESPECT TO FILE 15-PLC-0017, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION CONTINUE THE PUBLIC HEARING TO AUGUST 3, 2015.

SECONDED BY MR. THOMAN.

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 5-0.

FILE 15-PLC-0021: A petition seeking approval of a Final Plat of Subdivision to subdivide the existing property into two lots. The property is currently zoned O-R-M, Office-Research-Manufacturing. The subject property is located at the southeast corner of Ogden and Walnut Avenues, commonly known as 2801 Ogden Avenue, Downers Grove, IL (08-01-304-002, -003, -022, -028 and 08-01-307-001, -002, and -003). The Alter Group, Petitioner and Owner.

Per the chairman, the petitioner requested to continue this hearing to August 3, 2015. Staff recommended the Plan Commission honor the petitioner's request to continue the hearing to August 3, 2015.

WITH RESPECT TO FILE 15-PLC-0021, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION CONTINUE THE PUBLIC HEARING TO AUGUST 3, 2015.

SECONDED BY MS. HOGSTROM.

MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 5-0.

FILE 15-PLC-0019: A petition seeking approval of a Planned Unit Development and Special Use to permit the construction of a multiple family residential structure. The property is currently zoned DB, Downtown Business. The property is located at the northwest corner of Gilbert and Forest Avenues, commonly known as 5100 Forest Avenue, Downers Grove, IL (09-08-126-005). DG Burlington Partners, LP, Petitioner and Owner.

Planner Ainsworth summarized that the petitioner was seeking approval for a planned unit development with a special use for the property. He located the parcel on the overhead and noted the site sat within the DB, Downtown Business zoning district. The parcels to the north, east and south were located in DB, Downtown Business and to the west is DT, Downtown Transition. Currently a one-story bank building sits on the site which has been vacant for many years and included an asphalt parking lot and a drive-through bank canopy. Curb-cut access was noted.

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Proposed was a multi-story, multi-family structure in the Downtown Business District which is an allowable special use. The proposed structure would be five-stories, include 89 units, include 102 enclosed parking spaces and include a number of amenities. The site plan was referenced on the overhead. Details followed. Mr. Ainsworth explained the petitioner was requesting four (4) deviations from the ordinance which required a planned unit development under the code. The four deviations were as follows: 1) a deviation from Zoning Ordinance Section 4.010 – minimum lot area per dwelling unit; 2) a deviation from Zoning Ordinance Section 7.030 – minimum motor vehicle parking; 3) a deviation from Zoning Ordinance Section 7.7.140 – off-street loading; and 4) a deviation from Zoning Ordinance Section 14.110.C – corner lot build-to-zone requirement. Elevations, height, and square footage were reviewed. The proposed building was under the maximum height allowed.

According to the three “build-to” requirements, the ordinance required 80% of primary facade along Forest Avenue to be between 0 and 10 feet from the property line. Currently, Mr. Ainsworth reported that 89% percent of the building’s façade is within the build-to zone which meets that requirement. The proposal met the secondary setback/façade requirement of 59% where 30% is required. To assist in the transition there will be extensive landscaping around the site. Further explanation followed on how staff used the PUD process to get a better designed building, additional public amenities and benefits in lieu of zoning deviations for the structure. Since the proposed building would sit on a corner lot in the downtown business district and “hold” the corner with an architectural statement/appeal, Mr. Ainsworth explained the third “build-to” requirement which would require 100% of the first 25 feet on both the Forest side and the Gilbert side to be within the 0 to 10 foot requirement. The petitioner was requesting 68% which was one of the deviations. However, staff did find that the 68% did meet the intent of zoning ordinance requirement and supported it as the design of the building provided significant detailing at the corner. Referenced was the proposal’s similarity to the building located at 5101 Main Street.

Mr. Ainsworth reported the petitioner is requesting to construct a building with 89 apartment units while only 60 is allowed. Density was being increased which would allow the petitioner to increase public amenities including connecting Parking Lot D to Forest Avenue via a sidewalk. Public amenities included the public connection, more landscaping, and adding a four-foot fence to the north property line to protect the public from the nearby railroad tracks.

An overlay of the building position on the lot was presented and depicted possible field of vision scenarios at the Forest and Gilbert Avenues corner. Mr. Ainsworth shared that the petitioner was proposing 102 parking spaces. Five spaces were for handicap accessible and 22 spaces were for compact cars. Continuing, Mr. Ainsworth said the petitioner is proposing two temporary on-street loading areas which would be constructed by the petitioner – one located on Forest and one on Gilbert. Staff supported the on-street loading areas.

Concerns from the neighborhood meeting included overnight and visitor parking. Staff noted that overnight and off-street parking were already available in the downtown in excess to the off-street parking that was being provided by the petitioner.

Mr. Ainsworth explained how the proposal met the village’s comprehensive plan, met the requirements of a catalyst site in the downtown business district, and elaborated on how the proposal enhanced the area in general. Public benefits of the proposal included: the connector sidewalk to Parking Lot D and Forest Avenue, enhanced landscaping, off-street loading spaces, and

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an enhanced sidewalk and plaza. Staff also explained how the proposal met the intent of the village's Design Guidelines. Photographs and a video followed. Per Mr. Ainsworth, traffic generation and parking were reviewed by Public Works while Fire Prevention, and engineering and building reviews from Community Development were completed to ensure conceptual compliance with applicable Village codes. Additional conditions in staff's report would be required of the petitioner.

Commissioner questions followed as to where the four utility boxes would be relocated; where the trash pickup would take place (inside); what other similar density deviations existed in the village, if any (Acadia on the Green); and how the Capri build-to-zone compared to the proposed building. Further questions followed if there were any other higher density apartment buildings that had a similar type of reduction in parking spaces (staff could not recall at this time), and what was meant by multi-modal, i.e., multiple modes of access. Discussion then followed regarding overnight parking.

Petitioner, Mr. Drew Mitchell 544 W. 7th Street, Hinsdale, Illinois introduced his team: Mr. Mike O'Connor with Holladay Properties; Mr. Doug Worth with BSB (architect); Civil Engineer Mr. Chris LaVoie and Mr. Javier Millan with KLOA. Mr. Mitchell reviewed the site noting it was not only a corner property but a challenging property and was part of a transition area that traveled from the downtown area into a residential neighborhood. He described how he reviewed the village's comprehensive plan numerous times to envision the village's goal for the area. He also used real estate and marketing research firm Tracy Cross & Associates who determined there was a strong demand for higher-end rental housing near the trains, especially among the Millennials and empty nesters. Mr. Mitchell went on to explain how the proposal met the goals of the village's comprehensive plan/catalytic site.

Mr. Doug Worth, 519 N. President Street, Wheaton, the architect for the project, shared how the building was designed, keeping the terminating vista in mind and working with the grade change from east to west. Elevations, the amenity deck and roof mechanicals were described, noting the roof mechanicals would be screened from view by a parapet wall. Materials included two shades of brick, a panelized fiber cement system, and architectural metals. Floor plans and easements were explained. Additional amenities included a fitness facility, a computer room, a business center and a community room. A description of unit amenities followed.

Turning to parking, Mr. Mitchell stated the proposed parking ratio is 1.15 spaces while the village's ordinance requires 1.4 spaces. Mr. Javier Millan, traffic consultant with KLOA, explained how the site was considered as a transit-oriented design ("TOD"), meaning there was less reliance on a car and more reliance on nearby trains, buses, bikes and pedestrian movement. He indicated that other TOD communities were considered in the parking study. Presently, 102 parking spaces were being proposed and he believed the 1.15 ratio would sufficiently meet the demand, considering the census data. Daily trip generation was also reviewed.

Mr. Millan explained that the drop off/pick up zone on Forest Avenue will be for pedestrians and short-term deliveries. The flex parking/loading area on Gilbert Streets will be for deliveries, appliance service calls and/or tenants moving in/out. As to the parking on Gilbert Avenue, the idea was to provide shared parking spaces there, possibly using zip cars, but Mr. Millan felt more review of that area would be necessary so that the area was not blocked for deliveries. He conveyed that management would have to manage those spaces, possibly using signage with time limits. Further

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dialog followed from Mr. Mitchell that these were the general considerations for a building located in a downtown setting. He reminded the commissioners that there would be a trial/error period regarding the parking. As to adding the crosswalk to parking Lot D and concerns about vehicles backing up onto the tracks, Mr. Worth pointed out a landscaped area that will direct the vehicles down and away from the tracks. Pedestrians would also be in a safer location.

Mr. Cozzo asked about exterior lights on this building to which Mr. Worth stated there was pedestrian-scaled lighting -- repetitive wall sconces -- which were shown on the overhead. The west elevation would not have lighting due to it being a different property and the petitioner did not want to "pollute" the nearby residences with light. Per a question, the exterior doors on the building would be for the convenience of the tenants but also function as emergency exits.

Chairman Rickard opened up the meeting to public comment.

Mr. Bob Peterson, 6861 Camden Road, Downers Grove, stated he owns a moving/storage company in the village and voiced concern about parking and moving residents in and out of the building, especially out of state tenants. He explained the challenges of having an 80 to 90 foot semi truck blocking the parking for 3 to 4 hours for a one-bedroom move. He queried how many elevators were needed for this size of a building and asked what happens during rush hour while the move is taking place. He inquired about the removal of trash using the internal access, consideration for higher elevator ceilings, and constructing wide doors for larger pieces of furniture.

Ms. Rosa Hudson, 5112 Forest Avenue, resided south of the project and while the building and amenities were a positive she voiced concern about traffic and constructing a building with enough parking. She cited that visitors do not want to park at the parking deck because it is an inconvenience. She discussed the extra traffic that will be generated.

Mr. Tim Penovic, 5512 Fairhaven Court, Downers Grove asked if there was a study done to support the growth and need for this number of renters because most of the other buildings in the area were 20 to 36 units. He pointed out that the comprehensive plan talks about retail or shops on the ground floors with residential above and did not see it in this proposal.

Mr. Phillip Shaw, 5117 Brookbank Road, Downers Grove, says he frequents Gilbert Avenue and voiced concern whether the garbage trucks will have enough room to pick up the trash. He asked whether enough parking will be provided for the various white service trucks that work in the area, since it will also affect the residents in the area. He believed the building covered too much of the site and suggested constructing a taller building instead. He did not see the building as inspiring and believed the building should be well planned.

Mr. Scott Richards, 1130 Warren Avenue (Oak Tree Towers), believed the building was beautiful but was "too much" and the site was not a suitable location for the building. He had hoped the site would have been used for a grocery store, which was well need for the condo and rental residents. He voiced concerns about parking and the fact that people would not park 3 or 4 blocks from the site. He voiced surprise that a building this size would be located next to railroad tracks given the amount of trains and the noise they make and asked that sound-proofing be considered.

Ms. Peggy DeLaney, 1431 Gilbert Ave., Downers Grove, as a former city dweller, liked the proposal and stated that many of her employees look for this type of housing in a great community

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such as Dowers Grove. She shared how her family was very pedestrian-oriented, walked everywhere and owned only one car. She supported the proposal.

Mr. Gordon Goodman, 5834 Middaugh, Downers Grove, was sworn in and pointed out the zoning for the proposal was Downtown Business and not Downtown Transition and the goal in the comprehensive plan was to have business/retail function on the first floor combined with a residential function and understood this building did not. He agreed with the previous speaker's comments that it would be helpful to have a use at the site where people can walk and shop but at the same time, he said the village had to recognize how it is going to promote mixed uses in the downtown area, citing the precedent (single use/no retail) that the Marquee development had already set on Maple Avenue. He suggested that the commissioners and planners to consider the mixed use in the proposal but at the same time also revisit how to preserve the downtown business zoning areas for mixed use. He questioned why developments were not being included in the mixed use concept from the comprehensive plan.

Ms. Therese Meike, 1103 Gilbert, Downers Grove, lives in the nearby townhomes and is about the closest unit to the proposal. She supported the proposal as compared to the former bank building, noting there has been vandalism there and she would love to sit on her patio looking at the new building.

Mr. Scott Curtis, 417 67th Court, Downers Grove, believed the proposal will be a benefit to the area, given that the bank has been an eyesore. He believed operational issues existed but the petitioner would "figure it out" since a significant amount of money was being spent on the project.

Mr. Bill Challberg, 1132 Curtis, Downers Grove, supported the project.

No further public comments followed.

In response to the concerns raised, Mr. Mitchell explained that the typical truck length for a 1 to 2 bedroom is 15 feet and a 2 to 3 bedroom was 17 feet and management would not allow using a 90-foot moving truck. While 3 to 4 hours may be typical for a 4 bedroom home, he stated it was not typical for apartment buildings. The doorway widths were already addressed by the architect and village planners. He hoped to bring additional customers to Rose's business that did not need parking spaces.

Regarding retail at the site, Mr. Mitchell stated he marketed the site nationally for retail use for about 18 months with only a handful of interested companies, only to tell him that due to the 80% frontage required for Forest Avenue, they could not park vehicles in front of the building. Mr. Mitchell explained that there was a previous proposal for an "L" shaped building in the rear that parked 40 vehicles in front, however, the reason municipalities were building so close was that they wanted that presence on the street and the urban feel. This proposal, he shared, was basically a response to the village's comprehensive plan and the changes in the code.

Changes in demographics were talked about and the fact that some of the best firms were brought in to create the proposal before the commission. Mr. Mitchell stated he would do his best to save the red Maple tree. As for having other examples of transit oriented, rental developments in Downers Grove, Mr. Mitchell stated there were none, which was why other municipalities were researched.

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At the same time, he pointed out the residents of the proposal would be of a higher residual income and would be spending their dollars locally.

Regarding the grade entering/exiting the garage, Mr. Chris Lavoie stated there was a 2% grade down from Gilbert Avenue to the lower level elevation to get into the parking deck. As to the locations of the transformers, he stated they will remain in their current location and the area from Gilbert to the railroad tracks will be green space. He noted at the northwest corner of the site the sidewalk will extend down with a grade transition where the sidewalk connects to Lot D. Final engineering will determine the exact transition of the sidewalk.

Because the additional green space on the site has been increased, Mr. Lavoie stated the proposal was below the threshold for providing stormwater detention and had less impervious area than the bank site. Best management practices would be used; however, as Mr. Lavoie explained, he may revise (for the better) the mechanical system as he gets to the final engineering phase. No restrictors or discharges would be used; only water quality issues would be addressed in the plan. Ms. Hogstrom notified the petitioner had English Ivy, an invasive plant, in the landscaping plan and she asked Mr. Lavoie how the garbage removal would be addressed. As to the question about the elevator size, Mr. Worth clarified that two elevators were planned for the building. The pedestrian elevator had a 2,500 pound capacity while the freight elevator had a 3,500 pound capacity.

Mr. Webster referenced two letters in the commissioners' packets, specifically one letter from the Downtown Management Corporation and one letter from Jones Lang LaSalle and asked for the petitioner's opinion of them. Mr. Mitchell returned and summarized the history behind the site and the fact that he encountered many challenges from a retail standpoint in that potential parties did not want to be "a block off of Main Street" and the rents were not strong enough to pay for the tenant improvements to make it enticing enough to retailers. What was attractive, however, was the onsite parking. Secondly, he explained that if more than 66% of a building was rehabbed, an applicant was required to follow the village's new ordinance. Challenges of that followed. Mr. Mitchell further emphasized that he tried to place the common amenities for the building onto the terminating vista right where Burlington Road terminates. He explained that the building would look active along Forest Avenue, people would be on the fitness machines, and the leasing office would be lighted to make the building look as if it is participating in the active downtown area. The common elevator lobby on the upper floors are located within the terminating vista, providing lighted windows within the terminating vista. He interpreted the letter from Jones, Lang, LaSalle as the agent trying his hardest to market the site and he was not successful.

Per the chairman's question, Manager Popovich and Planner Ainsworth addressed how mixed use/retail on the first floor were addressed in the comprehensive plan and the zoning district. Mixed-use in the comprehensive plan refers to a building, a set of buildings, area or neighborhood that is comprised of a range of land uses serving more than one purpose. The proposal contributes to the mixed-use downtown.

Mr. Mitchell closed by stating he believed the project would be great for the downtown area and hoped the commissioners appreciated the level of effort that went into the proposal.

Chairman Rickard closed the public comment portion of the meeting and invited comments from the commissioners.

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Comments followed that there was a reason the property sat for as long as it did and that it was a difficult piece of property to develop. Mr. Cozzo stated that a prior development proposal was more denser than what was being proposed. He was not thoroughly comfortable with the parking on Gilbert Avenue and stated that issue needed to be addressed. He supported the proposal, however.

Mr. Thoman expressed concerns about parking, stating the reason for the 1.4 parking ratio in the village was to accommodate visitors to a facility. Additionally, he believed Millennials' largest purchase will be a vehicle. He then compared the transportation amenities available to the village's residents as compared to downtown Chicago, noting there was no mobility for the Millennials or seniors in Downers Grove and the bus routes were basically commuter bus routes to the train station and nothing more, but which were a benefit to the immediate area. He compared other nearby rental properties to the proposal, noting many were senior housing units. The blue-collar rental units, more than likely, would use their bikes to the train station. Mr. Thoman still voiced concern about unit density and parking, pointing out the village's code required a parking space of 12 feet in width and 35 feet in length off public property which was not accounted for in the proposal. He envisioned many move-ins and move-outs and shared examples from his own experience. He believed that function as well, as well as the garbage collection function, needed to be moved off the street, which was a public nuisance. He also asked that train noise be addressed now versus later, which was not mentioned. He would not recommend a supportive recommendation at this time. Ms. Hogstrom reiterated Mr. Thoman's comments and her comments about the pedestrian crosswalk and ensuring vehicles are not backed up on the tracks.

Mr. Webster shared his views on how public transportation has changed over the years and his expectation of it increasing in future years because of the demand. He explained that he relies on consultants who rely on market research but agreed that the plan needed to be "tweaked." He also reminded the commissioners that the petitioner had to build a project that was profitable. However, he did not believe it was necessary to see the project again.

Discussion among the commissioners followed that the proposal was "almost there" but needed to address the concerns raised about trash collection, noise elimination, parking issues, etc. and return to the commission for review. However, Mr. Cozzo felt that no project would completely meet all of the requirements and believed there may be ways for the village to assist with the parking issue.

WITH RESPECT TO FILE 15-PLC-0019, MR. COZZO MADE A MOTION TO FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO STAFF'S CONDITION NOS. 1 THRU 15 IN ITS REPORTS AND THAT THE PETITIONER ADDRESS GARBAGE DISPOSAL TO DISCOURAGE A RIGHT-OF-WAY CONFLICT AND ADDRESS ADDITIONAL PARKING OPTIONS OFF-SITE, PRIOR TO FORWARDING THE PROPOSAL TO VILLAGE COUNCIL.

SECONDED BY MR. WEBSTER. ROLL CALL:

AYE: MR. COZZO, MR. WEBSTER, MS. HOGSTROM, CHAIRMAN RICKARD

NAY: MR. THOMAN

MOTION CARRIED. VOTE: 4-1

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(The commission took a five minute break at 9:55 p.m. and returned at 10:00 p.m.)

FILE 15-PLC-0018: A petition seeking approval of multiple text amendments to: 1) Article 4, Institutional and Public Districts and also Planned Unit Developments; 2) Article 9, Signs; 3) Article 12, Zoning Ordinance Text Amendments and also Planned Unit Developments; and 4) Article 15, Definitions. Village of Downers Grove, Petitioner.

Planning Manager Popovich, on behalf of the village, summarized that the first request under Article 4 focuses on future institutional master plans and the proposal is to address more flexibility in the village's requirements for current and future master plans and for better flexibility by staff. The second portion of Article 4, addresses better clarity on the treatment of existing planned unit developments ("PUDs"), specifically whether staff needs to interpret if the PUD requires or does not require a rezoning at the time of a PUD amendment. Examples followed. Regarding Article 9, Signage, Mr. Popovich explained the proposal was to prohibit painted wall, roof or fence signs throughout the entire village as there are inconsistencies within the ordinance. Examples followed with Mr. Popovich stating that this amendment, to prohibit painted wall signs, is common in many municipalities throughout the area. The amendment will provide a uniformity to the village. The negatives of painted walls followed.

Regarding signs along the Burlington Northern Santa Fe Railroad ("BNSF") line, which is a not a public roadway, Mr. Popovich explained what was allowed currently, noting that the village was proposing for any owner with frontage along the line to be allowed to install one wall sign on the facade facing the railway. Square footage calculations followed, noting it provided staff with some flexibility for properties along the railroad right-of-way and furthers the purposes of the sign ordinance.

Next, Mr. Popovich discussed the village's proposal to streamline the initiation process for text amendments. He explained that currently the village council initiates text amendments (as adopted in the 2014 zoning ordinance) and discussed them at two meetings, the amendment is forward to the Plan Commission and then back to village council for a formal vote which is two meetings. To streamline the process, the village was proposing to return to the former process (prior to the June 2014 adoption).

The next request, Mr. Popovich explained, was to clarify the zoning map amendment requirements in a PUD development plan, noting that the requirements only need to be addressed when a new rezoning associated with a PUD is proposed.

Lastly, regarding the Definitions revision, Mr. Popovich said it was to redefine the term "Tenant Frontage", as discussed earlier tonight, and for consistency purposes in the zoning ordinance.

Mr. Popovich reported there was no public comment received on this petition. He presented the findings of fact on the overhead. Per staff, both the findings of fact and the standards of approval were met regarding the above seven changes, along with meeting the village's Comprehensive Plan. Mr. Popovich recommended that the Plan Commission forward a positive recommendation to the village council.

Per commissioner questions, Mr. Popovich provided other examples of potential institutional master plans -- the two high schools, park district land -- those sites with over four acres. He clarified the

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goal of this amendment is that the village will have discretion in ensuring that the plan complies with current village standards. Also, an applicant will not have to return to provide sheets for an already-established plan; just for the new changes.

Mr. Thoman asked that the Plan Commission consider each of the seven items above individually, followed by requesting to consider Request No. 5 – the Zoning Ordinance Text Amendment – separately because he had been on the Comprehensive Plan Ad hoc Committee and it had taken a few years to get the ordinance adopted. He explained the intent of the change was to slow down the process and to give the village council the first opportunity to set the parameters for the (policy) discussion. He explained how the process was prior to the change and then the benefits of slowing down the process after the change was made to the ordinance. However, Mr. Popovich pointed out that council members wanted more of a concrete description of what the text amendment would be during their initial discussion. Examples of the challenges followed. Asked how the process was going presently, Mr. Popovich stated that the village council directed staff to modify the change.

After discussing the matter, the commissioners decided to vote separately on revision 5.

Per Ms. Hogstrom's question as to why the words "at the discretion of the community development director" were being recommended for the Institutional Master Plans, Mr. Popovich explained it was to give staff some flexibility in determining whether certain required items in the institutional plan were needed or not.

The chairman opened up the meeting to public comment.

Mr. Jeffery Schwab, 1338 W. Nelson, Chicago, an attorney with the Liberty Justice Center which represents Leibundguth Storage & Van Service, regarding a federal lawsuit filed against the Village of Downers Grove, described that Leibundguth has four wall signs on its property, two of which are hand-painted and one of which faces the BNSF rail line. He stated that should the village adopt the two revisions to the sign ordinance, it will not allow Mr. Peterson to keep those signs and it will not resolve the lawsuit. He believes the sign ordinance will remain unconstitutional under the First Amendment.

Mr. Todd Paradis, 417 67th Court, Downers Grove, referring to the verbiage "at the direction of the community development director", understood that there was no community development director for the village currently. (Mr. Popovich explained otherwise). Mr. Paradis also pointed out that staff addresses only the negative points about signage and not the positives, i.e., advertising. He also stated that ivy grows on buildings and penetrates buildings too.

Mr. Bob Peterson, 6861 Camden Road, Downers Grove, owner of Leibundguth Storage, reminded the commissioners that the small businesses make up the Village of Downers Grove and are the backbone of this country. He stated he is a small business and was trying to keep his business alive. To remove the signage, he would lose anywhere from \$30,000 to \$60,000 in business. He pointed out the code adopted by the community of Riverside-Brookfield, which he supported, and further stated that the Village of Downers Grove was not working with its small businesses on this aspect. He compared the worries of a small business owner versus a council member. He explained the importance of the signs located on the rail line face and their size. He reviewed a list of signs that either were reduced in size or removed in the village which resulted in financial losses to the businesses. He believed more thought should have gone into staff's discussions about signage and staff should have met with the business owners before recommending changes to the sign

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ordinance. He believed that restricting the sign that faces the BNSF up to 300 square feet should be based on the size of the building.

Hearing no further comment, the public comment portion of the meeting was closed.

WITH RESPECT TO FILE 15-PLC-0018, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO APPROVE ITEMS 1, 2, 3, 4, 6 AND 7.

SECONDED BY MS. HOGSTROM. ROLL CALL:

AYE: MR THOMAN, MS. HOGSTROM, MR. COZZO, MR WEBSTER, CHAIRMAN RICHARD

NAY: NONE

MOTION CARRIED. VOTE: 5-0

WITH RESPECT TO FILE 15-PLC-0018, MS. HOGSTROM MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO APPROVE ITEM 5, AS WRITTEN.

SECONDED BY MR. WEBSTER. ROLL CALL:

AYE: MS. HOGSTROM, MR. WEBSTER, MR. COZZO, CHAIRMAN RICHARD

NAY: MR. THOMAN

MOTION CARRIED. VOTE: 4-1

FILE 15-PLC-0020: A petition seeking approval of an amendment to the Comprehensive Plan to amend a single sentence of the Purpose of the Comprehensive Plan. Village of Downers Grove, Petitioner.

Mr. Popovich summarized that the Village Council requested the Plan Commission consider an amendment to the Comprehensive Plan, which is a heavily used plan. He pointed out the one revision to the "Purpose" section of the plan is to modify the sentence to read, "The Comprehensive Plan seeks to articulate our community's vision for the desired physical, social and economic characteristics of the village for the next 15 to 20 years as well as provide for the encouragement of civil engagement." Staff believes the revision is consistent with the desire of the plan and to keep the plan current and to move forward in time. He recommended a positive recommendation.

Chairman Rickard asked for staff to clarify what triggered the revision, wherein Mr. Popovich believed that the word "social" was left out from earlier drafts of the plan and the words "to encourage civic engagement" were then added. Mr. Cozzo suggested a minor revision to make the sentence read better.

Chairman Rickard opened up the meeting to public comment.

DRAFT

Mr. Mark Ragan, 1232 Gilbert Avenue, Downers Grove, was sworn in. He questioned what was meant by the “social” characteristics of the village, wherein Mr. Popovich explained social planning can focus on issues such as housing, sustainability, and homelessness for example.

Mr. Popovich stated that staff was supportive of the request, as written.

Chairman Rickard closed the public hearing and asked for commissioner input. Mr. Thoman was pleased to see that the term was returned to the comprehensive plan.

WITH RESPECT TO FILE 15-PLC-0020, MR. COZZO MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL.

SECONDED BY MR. THOMAN. ROLL CALL:

AYE: MR COZZO, MR. THOMAN, MS. HOGSTROM, MR WEBSTER, CHAIRMAN RICHARD

NAY: NONE

MOTION CARRIED. VOTE: 5-0

NEW BUSINESS

New commissioners, Ms. Hogstrom and Mr. Thoman were welcomed by staff and the commissioners. One vacancy still exists. Mr. Popovich announced that a few items will be on the August agenda.

THE MEETING WAS ADJOURNED AT 10:56 P.M. ON MOTION BY MR. COZZO, SECONDED BY MR. WEBSTER. MOTION CARRIED UNANIMOUSLY BY VOICE VOTE OF 5-0.

/s/ Celeste K. Weilandt

Celeste K. Weilandt

(As transcribed by MP-3 audio)



DEPARTMENT OF COMMUNITY DEVELOPMENT MEMO

To: Plan Commission
From: Kelley Chrise, AICP, Planner
Subject: 15-PLC-0017, Special Use – Shell Gas Station
2212 Ogden Avenue
Date: August 3, 2015

The petitioner has requested to continue the Special Use petition. Staff is recommending that the Plan Commission honor this request and continue the public hearing to the October 5, 2015 Plan Commission meeting.



DEPARTMENT OF COMMUNITY DEVELOPMENT MEMO

To: Plan Commission
From: Kelley Chrise, AICP, Planner
Subject: **15-PLC-0025, Final Plat of Subdivision
5307 Victor Street**
Date: August 3, 2015

The petitioner has requested to continue the Special Use petition. Staff is recommending that the Plan Commission honor this request and continue the public hearing to the September 14, 2015 Plan Commission meeting.

1. Application for Public Hearing
2. Location Map
3. Project Narrative
4. Plat of Survey
5. Final Plat of Subdivision

PROJECT DESCRIPTION

The petitioner is requesting approval of the Final Plat of Subdivision to subdivide seven existing lots into two new lots. The property is located on the southeast corner of Walnut and Ogden Avenues and is currently zoned O-R-M, Office-Research-Manufacturing.

Currently, the 18.1 acre property is unimproved and heavily vegetated. The property contains a designated county wetland near the north central part of the property. Acknowledging this wetland, the property owners have proposed a new property configuration that separates the proposed Lot 1 and Lot 2 while encompassing the entire wetland area on Lot 2. Lot 2 was purchased by the Downers Grove Park District. At this time, there are no plans to develop either lot.

COMPLIANCE WITH COMPREHENSIVE PLAN

The subject property is identified as Catalyst Site #23 in the Comprehensive Plan. Catalyst Sites are classified as underutilized properties that contain characteristics which are prime for development or redevelopment. After numerous years of marketing the property for a large retailer, the applicant is requesting to resubdivide into two lots. Lot 1, which abuts Ogden Avenue, will continue to be marketed for future commercial development. Lot 2 of the subdivision is now Downers Grove Park District property and will be used for recreational purposes.

While the Comprehensive Plan states that this large tract of land is prime for a large retail use, the Comprehensive Plan also identified goals to enhance the access to recreational opportunities. The Park District's purchase of Lot 2 will supply more land to provide more access to recreational opportunities to the Downers Grove residents and park district users. The Park District has not announced plans for any future development on Lot 2 at this time. In effect, this land subdivision can fulfill two goals of the Comprehensive Plan simultaneously which is to develop the land along the Ogden Avenue corridor and to increase recreational opportunities to the community.

The proposed subdivision is consistent with the Comprehensive Plan.

COMPLIANCE WITH ZONING ORDINANCE

The 18.1 acre size property is currently zoned O-R-M, Off-Research-Manufacturing which meets the minimum district area size of five acres. The two new lots also comply with the minimum lot area (20,000 square feet) per Section 3.030 of the Zoning Ordinance. There are no plans for development on either lot at this time; however, any future development will have to comply with the zoning regulations.

The resubdivision is consistent with the Zoning Ordinance.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

The two new lots will meet the minimum lot dimension requirements outlined in Section 20.301 of the Village's Subdivision Ordinance. The lot dimensions are specified in the table below:

2801 Ogden Ave. Subdivision	Lot Width (req. 100 ft.)	Lot Depth (req. 140 ft.)	Lot Area (req. 20,000 sq. ft.)
Lot 1	390 feet	469 ft.	145,634 sq. ft. (3.3 acres)
Lot 2	709 feet	835 ft.	644,766 sq. ft. (14.8 acres)

The petitioner is providing the required five-foot wide public utility and drainage easements along the side lot lines and the ten-foot wide public utility and drainage easements along the rear lot lines, as applicable. There are no school and park donations required with this application. The proposed resubdivision is consistent with the Subdivision Ordinance.

ENGINEERING/PUBLIC IMPROVEMENTS

There are no public improvements required with the subdivision application at this time. However, the property owners will be entering into a Subdivision Agreement with the Village for future public improvements if and when development is proposed for either lot. The type of public improvements will be determined when development plans are presented to the Village. Both property owners will be responsible for installing the required public improvements.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners within 250 feet of the subject property in addition to posting a public hearing notice sign onsite and publishing the notice in *Downers Grove Suburban Life*. Staff has received comments from multiple residents concerned about future development. There are no development plans for either lot at this time.

FINDINGS OF FACT

The proposed Final Plat of Subdivision to subdivide the existing seven lots into two lots meets the standards of Sections 20.301 and 20.305 of the Subdivision Ordinance and Section 3.030 of the Zoning Ordinance.

RECOMMENDATION

The proposed final plat of subdivision is consistent with surrounding uses and zoning classifications. Staff finds that the request is consistent with the Comprehensive Plan and meets the requirements of the Zoning and Subdivision Ordinances. Based on the findings listed above, staff recommends that the Plan Commission make a positive recommendation to the Village Council subject to the following conditions:

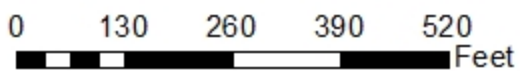
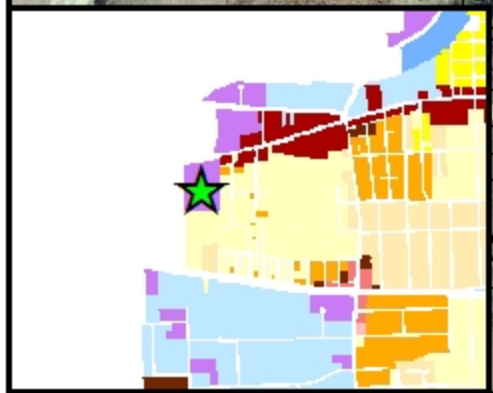
1. The final plat of subdivision shall substantially conform to the Final Plat of Subdivision for the Ogden and Walnut Resubdivision prepared by Edward J. Malloy & Associates, LTD. last revised on June 18, 2015, except as such plans may be modified to conform to Village Codes and Ordinances.
2. The property owners shall enter into a Subdivision Agreement with the Village.

Staff Report Approved By:

Stanley J. Popovich, AICP
Planning Manager

SP:pa
-att

P:\P&CD\PROJECTS\PLAN COMMISSION\2015 PC Petition Files\15-PLC-0021 - 2801 Ogden Final Subdivision SE Corner
Walunt_Ogden\Staff Report 15-PLC-0021.docx



2801 Ogden Avenue Location Map



THEALTERGROUP®

5500 W. Howard Street
Skokie, Illinois 60077

TEL (847) 676-4300
FAX (847) 676-4305
NET altergroup.com

July 23, 2015



Department of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Re: Project Summary / Narrative Letter

Dear Sir or Madam:

The purpose of the Plat of Subdivision is to divide the property into two parcels. The front parcel will remain owned by TAG LAND DGS LLC for possible future hotel use or other use as permitted by the existing ORM zoning designation. The remaining southern parcel will be sold to the Downers Grove Park District for their use. The lot line between the two parcels is somewhat irregular since the Park district wishes to keep the existing wetlands and incorporate them into their design. The newly acquired land would complement the prairie / ecological style that the Park District has in place directly south of this site.

Please note that we are submitting this along with a subdivision improvement agreement.

If you have any questions or comments, please call me at (312) 391-1142.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Ricamato".

Michael D. Ricamato
Vice President – Development



Administration Office

2455 Warrenville Road
Downers Grove, IL 60515
Phone: 630.963.1304
Fax: 630.963.1543

Recreation and Fitness Center

4500 Belmont Road
Downers Grove, IL 60515
Phone: 630.960.7250
Fax: 630.960.7251

Lincoln Center

935 Maple Avenue
Downers Grove, IL 60515
Phone: 630.963.1300
Fax: 630.963.5884

Golf Course

2420 Haddow Avenue
Downers Grove, IL 60515
Phone: 630.963.1306
Fax: 630.963.9435

Museum

831 Maple Avenue
Downers Grove, IL 60515
Phone: 630.963.1309
Fax: 630.963.0496

William F. Sherman, Jr.

Interpretive Center
901 31st Street
Downers Grove, IL 60515
Phone: 630.963.9388
Fax: 630.963.9389

July 24, 2015

Downers Grove Plan Commission
801 Burlington Avenue
Downers Grove, IL 60515

Re: Newly Acquired Park District Property

I am pleased to provide the Downers Grove Plan Commission the Park District's intended use of the recently acquired Alter Property as well as the adjacent Walnut Property.

The District's intention is to combine the parcels into continuous cohesive Recreational use. In the near term the newly acquired property will remain undeveloped open space. The existing Walnut Avenue Park will begin to be used for field sports (soccer, flag football, lacrosse, etc.) this fall. In the future the District plans on using the entire property for preservation of Open Space, Recreation and Athletics.

Sincerely,

William G. McAdam
Executive Director

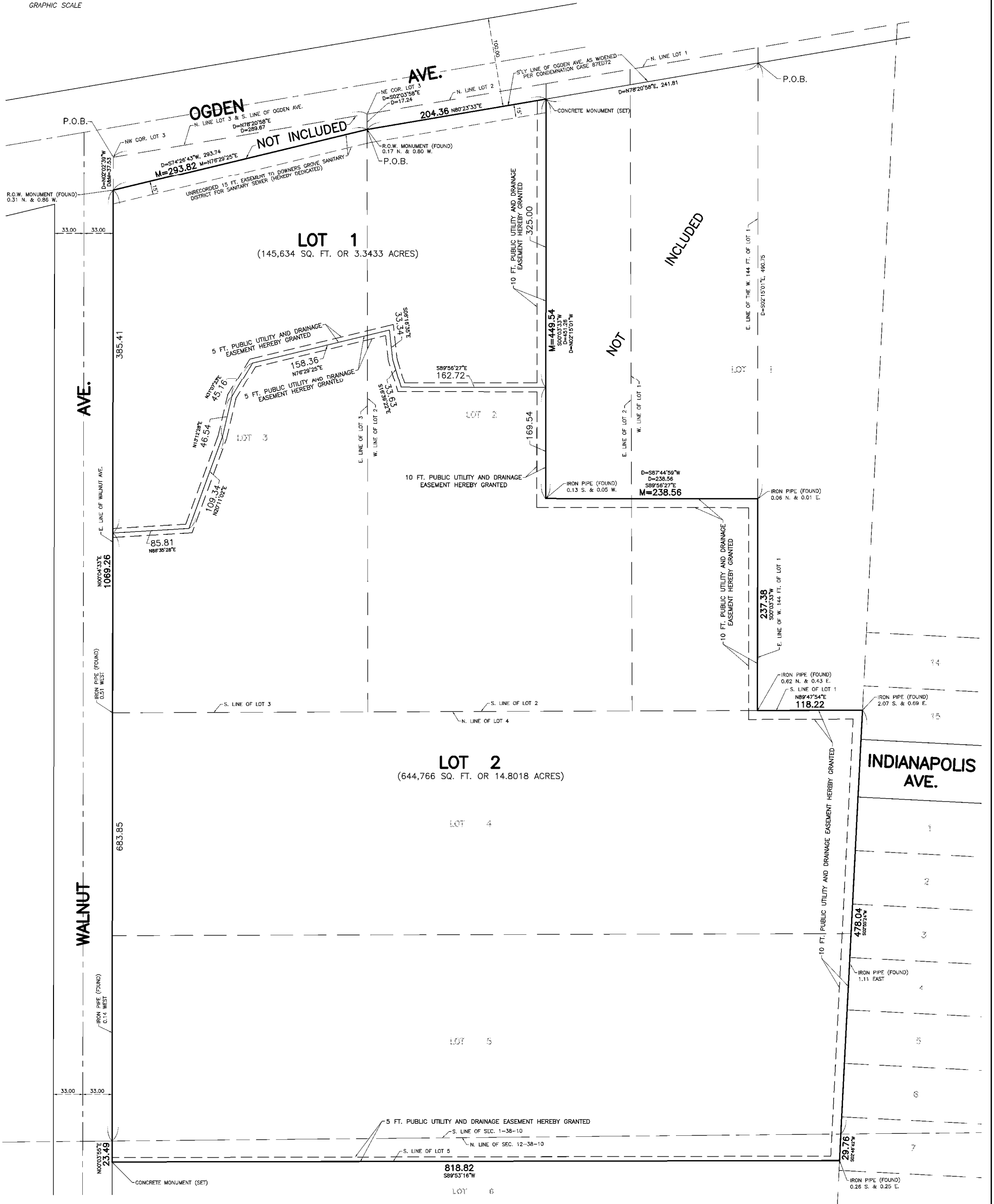
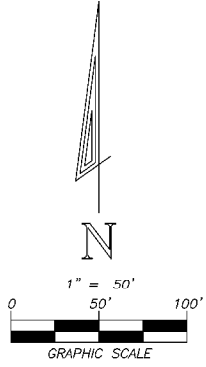
WGM:db



OGDEN & WALNUT RESUBDIVISION

OF PARTS OF LOTS 1 TO 5, INCLUSIVE IN ARTHUR T. MCINTOSH AND COPMANY'S FIRST ADDITION TO BELMONT, A SUBDIVISION OF PARTS OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

FINAL SUBDIVISION PLAT



OGDEN & WALNUT RESUBDIVISION

OF PARTS OF LOTS 1 TO 5, INCLUSIVE IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST ADDITION TO BELMONT, A SUBDIVISION OF PARTS OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

FINAL SUBDIVISION PLAT

OWNER'S CERTIFICATE AND SCHOOL DISTRICT STATEMENT

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

TAG LAND DGS LLC, A DELAWARE LIMITED LIABILITY COMPANY DOES HEREBY CERTIFY THAT IT IS THE OWNER OF PART OF THE PROPERTY DESCRIBED HEREON AND THAT IT HAS CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED FOR THE PURPOSE OF SUBDIVIDING. IT FURTHER CERTIFIES TO THE BEST OF ITS KNOWLEDGE, THAT THE LAND INCLUDED HEREIN FALLS WITHIN THE FOLLOWING SCHOOL DISTRICTS: DOWNERS GROVE GRADE SCHOOL DISTRICT 58, 1860 63RD STREET, DOWNERS GROVE, IL 60516, (630) 719-5800; COMMUNITY HIGH SCHOOL DISTRICT 99, 6301 SPRINGSIDE AVE., DOWNERS GROVE, IL 60516, (630) 795-7100.

SIGNED AT _____ THIS _____ DAY OF _____, A.D. 2015

TAG LAND DGS LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: _____
NAME: _____
TITLE: _____

NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ OF TAG LAND DGS LLC, A DELAWARE LIMITED LIABILITY COMPANY, PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE SIGNED AND DELIVERED THE SAID INSTRUMENT AS HIS/HER OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID LIMITED LIABILITY COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, A.D. 2015

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

OWNER'S CERTIFICATE AND SCHOOL DISTRICT STATEMENT

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

DOWNERS GROVE PARK DISTRICT DOES HEREBY CERTIFY THAT IT IS THE OWNER OF PART OF THE PROPERTY DESCRIBED HEREON AND THAT IT HAS CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED FOR THE PURPOSE OF SUBDIVIDING. IT FURTHER CERTIFIES TO THE BEST OF ITS KNOWLEDGE, THAT THE LAND INCLUDED HEREIN FALLS WITHIN THE FOLLOWING SCHOOL DISTRICTS: DOWNERS GROVE GRADE SCHOOL DISTRICT 58, 1860 63RD STREET, DOWNERS GROVE, IL 60516, (630) 719-5800; COMMUNITY HIGH SCHOOL DISTRICT 99, 6301 SPRINGSIDE AVE., DOWNERS GROVE, IL 60516, (630) 795-7100.

SIGNED AT _____ THIS _____ DAY OF _____, A.D. 2015

DOWNERS GROVE PARK DISTRICT

BY: _____
NAME: _____
TITLE: _____

NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT _____ OF DOWNERS GROVE PARK DISTRICT, PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE SIGNED AND DELIVERED THE SAID INSTRUMENT AS HIS/HER OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID DOWNERS GROVE PARK DISTRICT FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS _____ DAY OF _____, A.D. 2015

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

PLAN COMMISSION CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE THIS _____ DAY OF _____, A.D. 2015.

BY: _____
CHAIRMAN OF THE PLAN COMMISSION

VILLAGE COUNCIL CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

APPROVED THIS _____ DAY OF _____, A.D. 2015 BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

MAYOR OF DOWNERS GROVE

VILLAGE CLERK OF DOWNERS GROVE

VILLAGE COLLECTOR CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, COLLECTOR FOR THE VILLAGE OF DOWNERS GROVE, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

APPROVED THIS _____ DAY OF _____, A.D. 2015.

COLLECTOR FOR THE VILLAGE OF DOWNERS GROVE

DOWNERS GROVE SANITARY DISTRICT CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, COLLECTOR FOR THE DOWNERS GROVE SANITARY DISTRICT, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

APPROVED THIS _____ DAY OF _____, A.D. 2015.

COLLECTOR FOR THE DOWNERS GROVE SANITARY DISTRICT

DRAINAGE CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, _____, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND OWNERS OF THE LAND DEPICTED HEREON OR DULY AUTHORIZED ATTORNEY, DO HEREBY STATE, THAT TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION WILL BE MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADDJING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION. FURTHER AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS SUBDIVISION OR ANY PART THEREOF IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

DATED THIS _____ DAY OF _____, A.D. 2015.

OWNER OR ATTORNEY

DATED THIS _____ DAY OF _____, A.D. 2015.

OWNER OR ATTORNEY

DATED THIS _____ DAY OF _____, A.D. 2015.

DESIGN ENGINEER LICENSE NUMBER

COUNTY CLERK CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, PAUL HINDS, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT. I FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THIS PLAT.

GIVEN UNDER MY HAND AND SEAL AT WHEATON, DUPAGE COUNTY, ILLINOIS, THIS _____ DAY OF _____, A.D. 2015.

COUNTY CLERK

COUNTY RECORDERS CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS ON THE _____ DAY OF _____, A.D. 2015 AT _____ O'CLOCK _____ M AS DOCUMENT NUMBER _____.

RECORDER OF DEEDS OF DUPAGE COUNTY

ILLINOIS DEPARTMENT OF TRANSPORTATION CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF _____) SS

THIS PLAT HAS BEEN APPROVED BY THE ILLINOIS DEPARTMENT OF TRANSPORTATION WITH RESPECT TO ROADWAY ACCESS PURSUANT TO ILLINOIS COMPILLED STATUTES CH. 765, SEC. 205/2; HOWEVER, A HIGHWAY PERMIT IS REQUIRED OF THE OWNER OF THE PROPERTY, A PLAN THAT MEETS REQUIREMENTS CONTAINED IN THE DEPARTMENT'S POLICY ON PERMITS FOR ACCESS DRIVENWAYS TO STATE HIGHWAYS WILL BE REQUIRED.

DATED THIS _____ DAY OF _____, A.D. 2015

SIGNED: _____

TAX PARCEL PERMANENT INDEX NUMBERS:

08-01-307-001
08-01-307-002
08-01-307-003
08-01-304-002
08-01-304-003
08-01-304-022

PLAT SUBMITTED BY AND SEND FUTURE TAX BILLS TO:

TAG LAND DGS LLC
C/O

AFTER RECORDING RETURN TO:
VILLAGE OF DOWNERS GROVE
ATTENTION: VILLAGE CLERK
801 BURLINGTON AVE.
DOWNERS GROVE, ILLINOIS 60515

DECLARATION OF RESTRICTIVE COVENANTS

THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF SUBDIVISION SHALL BE HELD, TRANSFERRED, SOLD, CONVEYED AND OCCUPIED SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS:

(A) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND, EXCEPT FOR TRANSFORMERS, TRANSFORMER PADS, LIGHT POLES, REGULATORS, VALVES, MARKERS AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PLAT OF SUBDIVISION.

(B) AN EASEMENT FOR SERVING THE SUBDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE, SANITARY SEWER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PUBLIC UTILITY SERVICES, IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE SANITARY DISTRICT. THEIR RESPECTIVE SUCCESSORS AND ASSIGNS JOINTLY AND SEPARATELY, TO INSTALL, OPERATE AND MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES AND EQUIPMENT USED IN CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LIGHTING SYSTEM, OR OTHER PUBLIC UTILITY SERVICE, AND THEIR APPURTENANCES EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DOTTED LINES ON THE PLAT MARKED "PUBLIC UTILITY AND DRAINAGE EASEMENT", OR SIMILAR LANGUAGE DESIGNATING A STORMWATER OR SEWER EASEMENT, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, TOGETHER WITH THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE. AFTER INSTALLATION OF ANY SUCH FACILITIES THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

DECLARATION OF RESTRICTIVE COVENANTS

WHEREAS SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION TO THE END THAT THE RESTRICTIONS IMPOSED SHALL INURE TO THE BENEFIT OF EACH AND ALL OF THE PURCHASERS OF SUCH LOTS WHETHER THEY SHALL ACQUIRE SAID LOTS BEFORE OR AFTER THE DATE THEREOF, AND THEIR RESPECTIVE HEIRS AND ASSIGNS AND

WHEREAS, THE AFORESAID PROPERTY DESCRIBED ON THE ATTACHED PLAT IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND

WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND THE OWNERS OR OWNER OF ANY OF THE LOTS OF LAND COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS.

NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE AFORESAID PROPERTY DO COVENANT AND AGREE THAT THEY OR ANY PERSON, FIRM OR CORPORATION HEREAFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBMITTED TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY TO WHOMSOEVER OWNED, TO WIT:

1. NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, AS DESCRIBED IN THE PLAT OF SUBDIVISION, EXCEPT FOR LANDSCAPE INSTALLATION OF TREES, SHRUBS, BUSHES AND GRASS AND THE INSTALLATION OF UNDERGROUND UTILITY LINES AND DRIVEWAYS.

2. EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE FOR MAINTAINING THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, APPLICABLE TO HIS LOT IN SUCH MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE SUBDIVISION AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT HAVING FIRST RECEIVED PRIOR WRITTEN APPROVAL OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.

3. IN THE EVENT ANY OWNER OR PURCHASER FAILS TO PROPERLY MAINTAIN THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL UPON TEN DAYS PRIOR WRITTEN NOTICE, RESERVE THE RIGHT TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, REASONABLY NECESSARY TO INSURE ADEQUATE STORMWATER STORAGE AND FREE FLOW OF STORMWATER THROUGH THE STORMWATER EASEMENT INCLUDING DETENTION OR RETENTION AREAS.

4. IN THE EVENT THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL BE REQUIRED TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE COST TOGETHER WITH THE ADDITIONAL SUM OF TEN PERCENT SHALL, UPON REFORMATION OF A NOTICE OF LIEN WITHIN SIXTY DAYS OF COMPLETION OF THE WORK, CONSTITUTE A LIEN AGAINST HIS LOT WHICH MAY BE FORECLOSED BY AN ACTION BROUGHT BY OR ON BEHALF OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.

5. THE AFORESAID RESTRICTIONS AND COVENANTS AND EACH AND EVERY ONE OF THEM, ARE HEREBY EXPRESSLY MADE AN ESSENTIAL PART OF THIS INSTRUMENT, AND SHALL BE AND REMAIN PERPETUAL EFFICACY AND OBLIGATION IN RESPECT TO THE SAID PREMISES AND THE PARTIES HEREIN DESIGNATED, THEIR AND EACH OF THEIR SUCCESSORS, HEIRS, AND ASSIGNS.

IN WITNESS WHEREOF, THE OWNERS HAVE SET THEIR HANDS UPON THE ATTACHED PLAT THE DAY AND DATE FIRST WRITTEN THEREON.

DATED THIS _____ DAY OF _____, A.D. 2015

OWNER

NOTARY PUBLIC

EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO

COMMONWEALTH EDISON COMPANY AND AT&T TELEHOLDINGS INCORPORATED, ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEEES.

THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE, FROM TIME TO TIME, POLES, GUYS, MASTS, CROSS ARMS, TRANSFORMERS, MARKERS, TRANSFORMER PADS, TRANSFORMER EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SIGNALS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS "COMMON ELEMENTS", AND THE PROPERTY DESIGNATED ON THE PLAT AS "COMMON AREA OR AREAS", AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL, REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

THE TERM "COMMON ELEMENTS" SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE "CONDOMINIUM PROPERTY ACT", CHAPTER 765 (ILCS 605/2), AS AMENDED FROM TIME TO TIME. THE TERM "COMMON AREA OR AREAS" IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS "GULLIES", "COMMON ELEMENTS", "OPEN SPACE", "OPEN AREA", "COMMON GROUND", "PARKING" AND "COMMON AREA". THE TERM "COMMON AREA OR AREAS", AND "COMMON ELEMENTS" INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT.

RELOCATION OF FACILITIES WILL BE DONE BY GRANTEEES AT COST OF THE GRANTOR/LOT OWNER, UPON WRITTEN REQUEST.

LAND SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

I, THOMAS A. MOLLOY, AN ILLINOIS PROFESSIONAL LAND SURVEYOR AND MANAGING AGENT OF EDWARD J. MOLLOY AND ASSOCIATES, LTD., AN ILLINOIS PROFESSIONAL DESIGN FIRM, HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE FOLLOWING DESCRIBED PROPERTY FOR THE PURPOSE OF RESUBDIVIDING SAID INTO A TWO LOT SUBDIVISION:

THE WEST 144 FEET OF LOT 1 AND PART OF LOT 2 IN ARTHUR T. MCINTOSH AND COMPANY'S FIRST ADDITION TO BELMONT, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1919 AS DOCUMENT 137824, AND LYING SOUTH OF THE SOUTHERLY LINE OF THE LAND TAKEN IN CONDEMNATION CASE NUMBER 87ED722 (EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SAID SOUTH LINE IN SAID CONDEMNATION CASE AND THE EAST LINE OF THE WEST 144 FEET OF SAID LOT 1; THENCE ON AN ASSUMED BEARING OF SOUTH 02 DEGREES 15 MINUTES AND 01 SECOND EAST ALONG THE EAST LINE OF SAID WEST 144 FEET OF LOT 1, A DISTANCE OF 490.75 FEET; THENCE SOUTH 87 DEGREES 44 MINUTES AND 59 SECONDS WEST, A DISTANCE OF 238.56 FEET; THENCE NORTH 2 DEGREES 15 MINUTES AND 01 SECOND WEST, A DISTANCE OF 451.26 FEET TO THE SOUTHERLY LINE IN SAID CONDEMNATION CASE NUMBER 87ED722; THENCE NORTH 78 DEGREES 20 MINUTES AND 58 SECONDS EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 241.81 FEET TO THE POINT OF BEGINNING), ALL IN SECTION 1, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

ALSO KNOWN AS:

PARCEL 2 IN BORG'S OGDEN AVENUE PLAT OF ASSESSMENT IN THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 15, 1994 AS DOCUMENT 84-040343, IN DUPAGE COUNTY, ILLINOIS.

TOGETHER WITH:

LOTS 4, 5 AND 3 (EXCEPTING FROM SAID LOT 3 THAT PART THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 3, ALSO BEING ON THE EAST RIGHT OF WAY LINE OF WALNUT AVENUE, AND THE SOUTH RIGHT OF WAY LINE OF OGDEN AVENUE; THENCE NORTH 78 DEGREES 20 MINUTES 58 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF OGDEN AVENUE, A DISTANCE OF 189.67 FEET TO THE NORTHEAST CORNER OF SAID LOT 3; THENCE SOUTH 02 DEGREES 03 MINUTES 58 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 17.24 FEET; THENCE SOUTH 74 DEGREES 26 MINUTES 43 SECONDS WEST, A DISTANCE OF 293.74 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF WALNUT AVENUE, BEING 37.53 FEET SOUTHERLY OF THE NORTHWEST CORNER OF SAID LOT 3; THENCE NORTH 02 DEGREES 02 MINUTES 39 SECONDS WEST ALONG THE EAST RIGHT OF WAY LINE OF WALNUT AVENUE, A DISTANCE OF 37.53 FEET TO THE POINT OF BEGINNING), ALL IN ARTHUR T. MCINTOSH AND CO'S FIRST ADDITION TO BELMONT, BEING A SUBDIVISION OF PART OF SECTIONS 1, 2, 11 AND 12, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1919 AS DOCUMENT 137824, IN DUPAGE COUNTY, ILLINOIS.

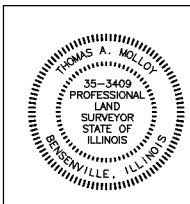
SIGNED AT BENSenville, ILLINOIS, THIS 18TH DAY OF JUNE, A.D. 2015.

EDWARD J. MOLLOY AND ASSOCIATES, LTD.
AN ILLINOIS PROFESSIONAL DESIGN FIRM - LICENSE NO. 184-002910

TOGETHER WITH:

THOMAS A. MOLLOY
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 34-409
(EXPIRES NOVEMBER 30, 2016 AND IS RENEWABLE)

MANAGING AGENT, ILLINOIS PROFESSIONAL DESIGN FIRM LICENSE NO. 184-002910
(EXPIRES APRIL 30, 2017 AND IS RENEWABLE)



DRAFTED BY: BJE
PAGE: 2 OF 2
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FILE: 1-38-10
PROJECT NO.: 117

PREPARED BY:
EDWARD J. MOLLOY & ASSOCIATES, LTD.
LAND & CONSTRUCTION SURVEYORS

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VALID ONLY WITH EMBOSSED SEAL



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
AUGUST 3, 2015 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
15-PLC-0022 1001 31 st Street	Special Use for a Warehousing Business	Kelley Chrissie, AICP Planner

REQUEST

The petitioner is requesting approval of a Special Use to permit the operation of a Warehousing Business for Internet Retail Sales at 1001 31st Street.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: Steel Family Real Estate, LLC
15185 Main Street, P.O. Box 729
Lemont, IL 60439

PETITIONER: Pro Stock Hockey, LLC
1001 31st Street
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: O-R, Office-Research
EXISTING LAND USE: Business and Professional Office
FUTURE LAND USE: Office/Corporate Campus
PROPERTY SIZE: 122,822 square feet (2.82 acres)
PIN: 06-32-100-012

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	B-2, General Retail Business	Neighborhood Commercial
SOUTH:	O-R, Office-Research	Office/Corporate Campus
EAST:	R-1, Residential Detached House 1	Parks & Open Space
WEST:	O-R, Office-Research	Office/Corporate Campus

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development and attached to this staff report as noted:

1. Application/Petition for Public Hearing
2. Location Map (Exhibit A)
3. Plat of Survey (Exhibit B)
4. Project Summary/Narrative (Exhibit C)
5. Floor Plan (Exhibit D)
6. Photos of Business Operations (Exhibit E)

PROJECT DESCRIPTION

The petitioner is requesting Special Use approval to operate a Warehouse Business, specifically Internet Retail Sales and Distribution, at 1001 31st Street. The subject property is located at the southwest corner of Highland Avenue and 31st Street (Exhibit A), which is zoned O-R, Office-Research.

The property is improved with a three-story office building and surface parking lot (Exhibit B). (The building has a basement, first and second floor. The entry is on the first floor, which is at ground level on the west side of the building but requires a number of stairs from the parking lot in front of the building.) The petitioner currently occupies the east half of the first floor as a Warehouse Business. When the Village discovered that the petitioner was occupying a space without a Commercial Occupancy permit, the petitioner submitted an application and began the process. The Use Classifications for the O-R zoning district at the time of submission for Commercial Occupancy did not permit a Warehousing Business. As such, the petitioner requested a text amendment to allow Warehouse Businesses in the O-R zoning district with a Special Use, which was approved on June 2, 2015. Approval of the Special Use request will allow the petitioner to proceed with the Commercial Occupancy permit process to legally occupy the space as described in further detail in Exhibit C.

The petitioner’s primary function is to take and fulfill orders for consumer ready products (excess professional hockey equipment and clothing) through internet and phone sales. The tenant space mostly consists of storage for the various consumer ready goods in addition to a sorting station, a packaging and shipping area, marketing space, a photo studio and offices as depicted in Exhibit D. Products are received and distributed using standard delivery vehicles from various parcel delivery services (FedEx, DHL, UPS, etc.), where the packages are either carried or wheeled into the tenant space using a handcart or dolly. The only processing that occurs onsite is receiving and inventorying the new products and then preparing the orders for distribution. The petitioner does conduct limited testing of the hockey sticks to determine the stick’s flex, which is done by a single machine within the tenant space (see Exhibit E).

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan designates the subject property as Office/Corporate Campus, which is characterized by office uses with large-scale buildings and office parks in locations easily accessible from the I-88, I-355 and Butterfield Road corridors. As identified in the Comprehensive Plan, this area is ideal for office and business uses that serve a large regional market. As warehousing has a distribution component, the close proximity to I-88 and Butterfield Road will ensure minimal impact to neighboring properties and allow distribution within and beyond the region. The proposal is consistent with the Comprehensive Plan and complements the use of the surrounding properties.

COMPLIANCE WITH THE ZONING ORDINANCE

The subject property is currently zoned O-R, Office-Research. No changes are being proposed that would affect the site or the building envelope as part of the Special Use. Compliance with the Zoning Ordinance is summarized in the table below:

Warehousing Performance Standards (Sec. 6.180)	Proposed
Finished, consumer ready products	No production proposed – selling and distributing excess professional hockey equipment and clothing

Warehousing Performance Standards (Sec. 6.180)	Proposed
Gross Floor Area = 10,000 sq. ft. or less per warehouse tenant	Petitioner occupies 7,921 square feet of space
Gross Floor Area = 25% or less of building dedicated to warehouse use	Petitioner is the only warehouse use and occupies approximately 16% of the total building
Activities within principal building	The tenant space is located within the principal building
No forklifts or other mechanical devices to process, prepare or distribute	A handcart or dolly is used to move larger items but most can be moved without additional assistance
No on-site sales or pick-up allowed	The petitioner distributes goods via parcel delivery services based on internet and phone sales – no on-site sales or pick-up is proposed
Pick-up and distribution of products must be via standard delivery vans/trucks – no tractor-trailer deliveries permitted	Deliveries are received and shipped using standard delivery vehicles using various parcel delivery services (UPS, FedEx, DHL, etc.)

Parking

Full occupancy of the building with office uses requires 147 parking spaces, which is currently provided. However, the subject site does not currently comply with the required number of accessible parking spaces (5 are required but only 4 are provided) but is determined to be legal, non-conforming. With the addition of the warehouse use, the required number of parking stalls is reduced to 129 parking spaces resulting in 18 additional parking spaces.

Deliveries typically occur daily during the work week for the petitioner and use the same circulation path as for the office uses, where they load and unload either in front of the main entrance or along the western side of the building. Large parcels are delivered on a dolly or a hand cart using the ramp on the western side of the building to the main entry at the front of the building. All other parcels are carried into the tenant space for delivery.

ENGINEERING/PUBLIC IMPROVEMENTS

The petitioner is not proposing any changes to the site that would result in public improvements. All required infrastructure exists and adequately services the property.

PUBLIC SAFETY REQUIREMENTS

There are no changes to the site that would trigger public safety improvements. However, the occupancy of this tenant space will require compliance with all public safety requirements as identified in the Village's Building and Fire Codes, which will be verified as part of the Commercial Occupancy Permit.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing a legal notice in *Downers Grove Suburban Life*. Staff has received one inquiry asking to clarify the request, where no concerns were expressed.

FINDINGS OF FACT

The petitioner outlined the request in the attached narrative letter, floor plan and photos (Exhibits C, D and E). The petitioner will further address the proposal and justification at the public hearing to support the request for a Special Use to operate a Warehousing Business for internet retail sales and distribution. Staff finds the proposal meets the standards for granting a Special Use as outlined below:

Section 28.12.050.H Approval Criteria – Special Uses

No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the petitioner has presented evidence to support each of the following conclusions:

1. *That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;*
The proposed warehouse use is listed as a Special Use in the O-R zoning district under Section 5.010 of the Zoning Ordinance. This criteria is met.
2. *That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.*
The proposed use at this location provides easy access to I-88 and Butterfield Road, which will minimize impact to the community. The petitioner filled a tenant space that had not been occupied for more than eight years, allowing increased occupancy of this location and no change is proposed to occur within the tenant space or to the existing site to accommodate the warehouse use. The proposed warehouse use will not diminish office developments in the Village or inhibit future office development. This criteria is met.
3. *That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.*
The activities of this use consist of fulfilling internet and phone orders where the distribution of goods is via a standard delivery vehicle. With no on-site sales or pick-up of goods allowed, the proposed use will not be detrimental to the health, safety or general welfare of the surrounding properties. The proposed use creates no more audible or visual disturbances to the neighborhood than a typical office. This criteria is met.

Section 28.6.180.B Approval Criteria – Warehousing in the O-R Zoning District

In addition to the Special Use approval criteria, the special use must be consistent with and in substantial compliance with all village council policies and plans and the petitioner must present evidence to support each of the following conclusions:

1. *“The proposed use will not be detrimental to the existing parking, loading and circulation patterns on the premises.”*
The lower parking ratio for the warehouse use will allow the parking lot to be fully brought into compliance by having enough additional spaces to create the required number of accessible stalls. No change in circulation or loading is required to accommodate the warehouse use, as parcel delivery services already deliver to the site. This criteria is met.
2. *“The existing building is suitable for the proposed use in being able to accommodate the size, weight and dimensions of the proposed finished consumer ready product.”*
The products being warehoused are excess professional hockey equipment and clothing, which ranges in size and weight. The largest items are goalie sticks, in which the shipping box measures 70”x14”x2” and can fit through any standard door and in standard delivery vehicles. The weight range of the products are between 3 and 20 pounds. The storage of these items are on shelves or racks throughout the tenant space. This criteria is met.
3. *“The proposed use will not be injurious to adjacent users via noise, odor, vibration or other environmental concerns.”*

The warehouse use has been in operation since last fall, where no complaints have been received with regard to noise, odor, vibration or other environmental concerns. The activities of the business include taking phone and internet orders, marketing the company and distributing filled orders. The majority of activities of the petitioner are similar to that of a typical office. Additional deliveries create minimal noise for adjacent tenants, as the delivery comes in through the main entry and directly to the tenant space. This criteria is met.

RECOMMENDATION

The proposed Special Use for the operation of a Warehouse Business is compatible with surrounding zoning and land use classifications, meets the criteria for Special Use and Warehousing in the O-R Zoning District and is consistent with the Comprehensive Plan.

Based on the findings listed above, staff recommends that the Plan Commission make a positive recommendation to the Village Council regarding 15-PLC-0022 subject to the following conditions:

1. The proposed Special Use is limited in area and scope to that described in this report and exhibits. Any change in the operation of this business or an expansion of business scope or floor area may require subsequent Village Council approval.
2. One additional accessible parking space must be provided in accordance with the Zoning Ordinance to bring the parking into full compliance.

Staff Report Approved By:



Stanley J. Popovich, AICP
Planning Manager

SP:kc
-att

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0 37.5 75 150 Feet

1001 31st Street - Location Map



Pro Stock Hockey, LLC
1001 31st Street, Suite 175
Downers Grove, Illinois

Narrative for Special Use Petition

Pro Stock Hockey, LLC, is seeking approval of a special use under the provisions of Table 5-1 under Subcategory; "Wholesale, Distribution & Storage," "Warehousing." Warehousing is listed as an authorized special use in the O-R zoning district, subject to the specific provisions found under 28.6.180 of the Zoning Ordinance. More specifically, Pro Stock Hockey is seeking a special use, to authorize them to conduct the retail Internet sales of professional hockey equipment, including uniforms, skates, pads, sticks, helmets, etc. The unique nature of Pro Stock's business is that they sell excess, unused professional hockey equipment that NHL professional hockey teams no longer want or need.

Pro Stock Hockey has been in business at 1001 31st Street, Suite 175, since August 2014. Although a completely separate and distinct business, Pro Stock Hockey has the same ownership as Straight North an Internet marketing consulting company that has occupied Suite 100 of 1001 31st Street, since 2012. When the principals of Straight North discovered a very unique business opportunity in purchasing and reselling professional hockey equipment directly from a number of the NHL teams, they spoke with their landlord, who is also a partner in their businesses about renting what was vacant space in the building, directly across the lobby from Straight North. As Straight North had successfully applied for and was granted an occupancy permit by the Village, and as Suite 175 was fully improved by previous occupants and had previously been issued an occupancy permit by the Village, it was incorrectly assumed that Pro Stock Hockey didn't need any additional permits from the Village, especially as no modifications or construction was needed to accommodate Pro Stock Hockey. Once Pro Stock Hockey learned that they needed an occupancy permit, they immediately applied for one and then learned that their type of business did not at the time qualify as one of the authorized O-R uses.

Once the zoning issue was discovered, the ownership of Pro Stock Hockey immediately began to work with the Village, first regarding a text amendment to establish a zoning category which was appropriate and subsequently to make application for a special use.

As noted earlier Pro Stock Hockey discovered via its relationship with a number of NHL hockey teams, that professional hockey at least at the NHL level, has an issue with having to dispose of an appreciable amount of custom made equipment and garments that the teams purchase and then don't need or use. Players may order gloves from one manufacturer with their team colors and to their measurement specifications, and then decide to use equipment from another manufacturer. Players may also have all of their specific equipment on stock at their current team and then be traded to another team with different colors, etc. As most of the NHL

teams have no reasonable means to dispose of excess equipment, Pro Stock Hockey has established relationship to purchases all of a teams excess equipment and subsequently sells the merchandise, via their website, to the general public at a significant savings from what the consumer could purchase comparable equipment if it was even available to them.

Acquisition of Merchandise

Pro Stock Hockey currently has established a business relationship with 15 of the NHL hockey teams. Typically, principal contact between Pro Stock Hockey and the NHL teams is the equipment managers. When an equipment manager identifies that he has excess unused equipment, he contacts Pro Stock with the specifics of the equipment that they want to dispose. Approximately 60% of the time the excess equipment is transported to the United Center when the selling team travels to Chicago to play against the Chicago Blackhawks. The other 40% of the time the excess equipment is sent to Pro Stock normal via UPS, FedEx type of delivery services.

When equipment is dropped of at the United Center, it is normally packaged in typical hockey stick bags or equipment bags where it is picked up by a Pro Stock Hockey employee in a Chevy Suburban, driven to Downers Grove and it is then normally either hand carried into the building or is moved either on a two-wheel hand dolly or a four-wheel hand cart through the front door of the building. Pro Stock Hockey is located on the entry level on the left hand side of the lobby.

When equipment is shipped via parcel delivery service, sticks are normally sent in boxes measuring 70" x 12" x 2", while such items as gloves, pads and uniform garments are typically in boxes approximating 14" x 14" x 24" to 24" x 24" 30". Most deliveries are wheeled into the building, through the front door by the parcel service delivery person on a lightweight 4-wheel delivery cart, typically used for office delivery.

Categorization of Merchandise

Once equipment is received, Pro Stock Hockey needs to categorize merchandise not only by such things as manufacturer, color and team logo, but also according to which specific player that the product was made for and custom modifications that may be unique to a specific player. In the case of gloves, each finger may be made to the very specific finger lengths of a particular player or in the case of skates, the length of the boot may differ from one foot to the other according to the physical characteristics of the player that it was made for.

Once each item has been categorized, the products may be photographed and then posted on Pro Stock's web site. Please visit the site at www.prostockhockey.com .

Sales

Pro Stock Hockey does most of its sales via its Internet site, although it does take telephone orders and will discuss the finer points or specifications of products on the telephone. Pro Stock Hockey has a very strict policy of not providing any customer access to their premises and will not permit customers to take delivery of a product except via FedEx delivery. Consistent with their policy, Pro Stock Hockey does not, nor will they have any signage on the building or on the property with the exception of a small nameplate in the entrance lobby of the building.

Distribution

As noted under sales, all merchandise is transported to the customer via FedEx delivery service. The majority of merchandise is shipped in one of the following containers: hockey sweaters (jerseys) t-shirts or similar products are packaged in poly envelopes, gloves and other small products are packaged in boxes measuring 14" x 14" x 12"; pants and pads are shipped in boxes measuring 24" x 24" x 8"; and sticks are shipped in boxes measuring 70" x 12" x 2" or in the case of a goalie stick 70" x 14" x 2". The typical weight of outgoing packages range from 3 pounds to 20 pounds.

FedEx, picks up merchandise normally on a daily basis, Monday through Friday. It is loaded onto a four-wheel hand cart in the Pro Stock offices, pushed out of the building to the FedEx truck via the ramp located on the westerly side of the front stairway and is loaded into the FedEx van which parks on the west side of the building at the base of the ramp. The total time for a pick up ranges from 5 minutes to perhaps 10 minutes.

Petitioner's Response to Special Use Standards
Special Use Petition 1001 31st Street.
Pro Stock Hockey, LLC, Petitioner

Section 28.12.050 H Approval Criteria

No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is consistent with and in substantial compliance with all village council policies and plans and that the applicant has presented evidence to support each of the following conclusions:

(1) that the proposed use is expressly authorized as a special use in the district in which it is to be located;

The subject property is located at the southwest corner of 31st Street and Highland Avenue, which is zoned O-R. According to Table 5-1 under Subcategory "Wholesale, Distribution & Storage," "Warehousing" is listed as an authorized special use, subject to the specific provisions found under 28.6.180 of the Zoning Ordinance.

(2) that the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community;

The requested special use is an Internet sales business that sells excess professional hockey equipment. The sports equipment that the petitioner deals in is specifically made for NHL professional players, normally specific to individual players. The equipment is purchased by the petitioner directly from more than half of the NHL teams. Prior to the existence of Pro Stock Hockey the general public had extremely limited access to this type and quality of hockey gear. By establishing an Internet based outlet, this very unique professional quality hockey equipment has become available to the general public at reasonable prices.

Although this business has a very small staff currently with only 5 employees, it adds to the employment base of the Village. Additionally, the presence of Pro Stock Hockey business locates a very successful business within the Village in office space that had experienced a period of vacancy.

(3) that the proposed use will not, in the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

The subject business involves consumer ready merchandise, which is either characterized as clothing or as sports equipment. The principal business activity is divided into marketing and order taking, most of which takes place via the Internet or via telephone communications. The other principal business activity involves

merchandise management, including receipt of merchandise, categorizing merchandise, storing it on racks and shelving and order fulfillment, which includes billing, packaging and shipping of the products.

Given the fact that the merchandise is all previously manufactured and is made of consumer friendly very stable materials there is neither an issue of health, safety or general welfare associated either with the products or how the petitioner's company handles the products. The business is wholly enclosed within the building in an office suite, and the business is conducted in a manner, which is not particularly distinct from any office building located within the O-R zoning district.

In addition to meeting the general standards for Special use, Pro Stock Hockey also satisfies the specific requirements of Section 28.6.180 A. as follows:

1. The use is limited to the storage, processing and distribution of finished consumer ready products only. The assemblage of parts to create the finished product is prohibited.

All of the ice hockey products that Pro Stock Hockey purchases, stocks and subsequently sells and ships to its customers are completely finished goods consisting of hockey uniforms or hockey equipment, (including but not limited to skates, hockey sticks, hockey pads, uniforms, helmets, gloves and accessory items such as equipment bags.)

2. The use is limited to the gross floor area of no more than 10,000 square feet per warehouse tenant.

The portion of the building located at 1001 31st Street commonly known as Suite 175 has a floor area of approximately 7,921 ft², which is less than 80% of the maximum permitted.

3. No more than 25% of the gross floor area of any building may be dedicated to warehouse use.

The building commonly known as 1001 31st Street has a total floor area of 49,039 ft². The 7,921ft² floor area of Suite 175 occupied by Pro Stock Hockey is equal to 16.15% of the buildings gross floor area, well below the maximum allowable floor area.

4. The use may only take place within a principal building.

Pro Stock Hockey's Internet sales business will take place solely within the confines of the principal building as depicted on the floor plan submitted as part of the requested Special Use.

5. No forklifts or other mechanical devices, such as automated storage and retrieval systems, may be used to process or prepare material for distribution.

There are no forklifts or automated storage retrieval systems to be utilized by Pro Stock Hockey. Storage is limited to low height lightweight shelving system and merchandise movement other than hand carrying it is limited to handcarts or two-wheel dollies.

6. No on-site sales or pick-up of product may occur.

Pro Stock Hockey's business model is based upon Internet sales and direct shipping to consumers. Consumers are not permitted either to shop on premises or to receive their merchandise in any manner other than via package delivery service. Pro Stock

Hockey operates a very detailed and photo rich website so that customers can have the shopping experience via their computer. Due to the very unique nature of some of the products offered by Pro Stock Hockey, customers may email or speak with staff members when they require more precise information about a product.

7. Pick-up and delivery of all products is limited to delivery vans and trucks. The use of tractor-trailers for pick-up and delivery of goods is prohibited.

Pro Stock Hockey receives its merchandise primarily in two ways. The majority of merchandise is dropped off at one of two NHL hockey stadiums located in the Midwest when the selling team visits the stadium during scheduled games. Such merchandise is picked up by Pro Stock Hockey in a vehicle like a Chevy Suburban, or is moved in a van. The other means for receipt of merchandise is via package delivery services including UPS, FedEx, DHL, etc.

Distribution of merchandise is via pickup by package delivery services such as UPS, FedEx, DHL, etc. Currently FedEx handles all outgoing package transportation. The delivery service picks up merchandise in one of their typical delivery vans of the same type the same as those making pick-ups or deliveries at office complexes throughout the area.



Hockey Stick Storage



Hockey Glove Storage



Equipment Storage



Jersey/Uniform Storage



Hockey Stick "Testing"



Packaging and Shipping Area



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
AUGUST 3, 2015 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
15-PLC-0024 2501 Ogden Avenue	Special Use for an Automobile Dealership	Patrick Ainsworth, AICP Planner

REQUEST

The petitioner is requesting approval of a Special Use for an automobile dealership at 2501 Ogden Avenue.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER: Old Second National Bank
1515 Woodfield Road
Schaumburg, IL 60173

APPLICANT: Aaron J. Zeigler
401 Stadium Drive
Kalamazoo, MI 49008

PROPERTY INFORMATION

EXISTING ZONING: B-3, General Services and Highway Business
EXISTING LAND USE: Vacant
PROPERTY SIZE: 77,222 square feet (1.773 acres)
PINS: 08-01-306-024

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	B-3, General Services and Highway Business	Commercial
SOUTH:	R-1, Residential Detached House 1	Single Family Residential
EAST:	R-1, Residential Detached House 1	Parks & Open Space
WEST:	B-3, General Services and Highway Business	Commercial

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Plat of Survey
3. Project Summary
4. Existing Site Plan
5. Proposed Site Plan
6. Proposed Floor Plan
7. Car Carrier Turning Exhibit

PROJECT DESCRIPTION

The petitioner is requesting a special use for an automobile dealership at 2501 Ogden Avenue. Automobile dealerships are classified as personal vehicle sales and rental business in the Zoning Ordinance. Currently, the property is improved with a vacant, one-story commercial building and a surface parking lot. This property formerly hosted another personal vehicle sales and rental business, but the property has been vacant for more than six months which requires the applicant to reapply for a special use. The petitioner is proposing to reactivate the property with the Ram ProMaster brand and used vehicles sales. The 1.77 acre site is located at the southeast corner of Cross Street and Ogden Avenue and is zoned B-3, General Services and Highway Business. Personal vehicle sales and rentals is an allowable Special Use in the B-3 zoning district.

The petitioner is proposing to maintain the vast majority of the existing building and site at this time. However, the petitioner has inclined that the property may be remodeled or redeveloped to meet their future business needs. Any future expansion of the business on this site will result in a new special use application.

COMPLIANCE WITH COMPREHENSIVE PLAN

The Comprehensive Plan's Future Land Use Map designates this property as Corridor Commercial. Corridor Commercial uses are defined as automobile related uses that provides services and retail opportunities to the nearby neighborhoods and the surrounding region. The Comprehensive Plan specifically mentions that the Ogden Avenue corridor continue to contain a range of these type of uses. This site used to operate an automobile sales and the petitioner is seeking approval to reactivate the property with the same use. The reactivation of this property as an automobile dealership will achieve the aforementioned goal. Staff finds that an automobile dealership at this property is consistent with the Comprehensive Plan.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned B-3, General Services and Highway Business. The proposed personal vehicle sales and rental business is an allowable Special Use in the B-3 district per Section 5.010 of the Zoning Ordinance. The petitioner is keeping the site as it is currently presented, but the petitioner will be adding green space along the northern property line to further separate the vehicle display area from the Ogden Avenue right-of-way. As such, the landscaped open space is increasing from approximately 34.4% to 34.8% which exceeds the minimum 10% requirement. Additionally, the Zoning Ordinance requires that at least 50% of the required landscaped open space be located in the property's street yard. This proposed site plan shows that approximately 59% of the landscaped opens space will be in the property's street yard.

The proposed site plan provides six customer parking spaces where five customer parking spaces are required per Section 7.030 of the Zoning Ordinance. Moreover, 10 employee parking spaces and 83 vehicle sales spaces are provided throughout the site which are separate from the customer parking.

The petitioner is proposing to modify the interior layout of the existing building by removing the overhead doors on the west elevation and add additional offices. The former overhead doors contained an area for minor vehicle repairs and detailing. The petitioner has stated that all vehicle repairs, maintenance and detailing will occur at their sister property located at 2311 Ogden Avenue. The existing building is compliant with required setbacks.

The proposed use and site is consistent with the Zoning Ordinance.

ENGINEERING/PUBLIC IMPROVEMENTS

The site currently contains one full access point off of Ogden Avenue and the petitioner is not amending this curb cut. At this time, the site does not require any public improvements. The property is adequately serviced with water and septic systems. No new sidewalk or curb cuts are proposed.

PUBLIC SAFETY REQUIREMENTS

The Fire Prevention Division of the Fire Department has reviewed the proposed plans. Based upon the submittal, Fire Prevention has sufficient access to the site and building. The fire alarm must be reactivated and connected to the Dispatch Center with radio communications.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing the legal notice. Staff has not received any written neighborhood comment regarding the proposal at this time.

FINDINGS OF FACT

The applicant is requesting Special Use approval for a personal vehicle sales and rentals use. The proposed use meets the standards for granting a Special Use as outlined below:

Section 28.12.050.H Approval Criteria

No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village Council policies and plans and that the applicant has presented evidence to support each of the following conclusions:

- 1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;*
The property is located in the B-3, General Services and Highway Business zoning district. Under Section 5.010 of the Zoning Ordinance, personal vehicle sales and rentals is listed as an allowable Special Use in the B-3 zoning district. This standard has been met.
- 2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.*

The proposed use will allow the petitioner to reactivate a former automobile dealership on the subject property which in turn will enhance the Ogden Avenue corridor and provide vehicle sales to the local residents, businesses and the larger region. The proposed use is in the interest of the public convenience and will contribute to the general welfare of the area as the petitioner will be occupying a vacant space with a new business. The petitioner's proposed use will meet various Comprehensive Plan goals. This standard has been met.

3. *That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.*

The proposed use will not be detrimental to the health, safety or general welfare of persons residing in or working in the vicinity and will not be injurious to property values or improvements in the vicinity. The petitioner will be reactivating a property that formerly housed the same use. Additionally, specific conditions will be placed on the subject property to ensure that there will be no or minimal secondary impacts to the surrounding properties. This standard has been met.

RECOMMENDATIONS

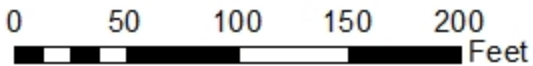
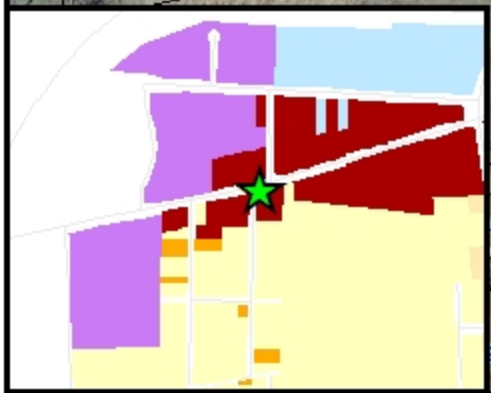
The proposal is consistent and compatible with the Comprehensive Plan and surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding 15-PLC-0024 subject to the following conditions:

1. The Special Use shall substantially conform to the staff report dated August 3, 2015, the drawings prepared by SPACECO dated July 15, 2015, except as such plans may be modified to conform to Village Codes and Ordinances.
2. The property's fire alarm shall be reactivated and comply with requirements of Chapter 17 of the Downers Grove Municipal Code.
3. No vehicle maintenance or repairs are allowed to take place on the subject property.
4. Vehicle washing and detailing is not permitted outside.
5. No vehicles shall be parked on any land area dedicated to septic services. The portions of the property that are dedicated for septic services shall be signed with "No Parking Anytime".
6. The existing parking lot lighting shall be dimmed down to security-level intensity within 30 minutes from the close of business each night.
7. Any new or relocated parking lot lighting shall conform to the outdoor lighting requirements.
8. All signage shall comply with the Sign Ordinance.
9. No vehicle test drives are permitted on Cross Street.
10. The petitioner shall install the three foot landscaping area along the north property line within three months of Village Council approval.

Staff Report Approved By:

Stanley J. Popovich, AICP
Planning Manager

SP:pa
-att



25801 Ogden Avenue Location Map





4201 Stadium Drive
Kalamazoo, Michigan 49008
269.375.4500
www.haroldzeigler.com

KALAMAZOO, MI
Honda

KALAMAZOO, MI
Lincoln
BMW
Mitsubishi

KALAMAZOO, MI
Chrysler ● Dodge
Ram ● Viper

PLAINWELL, MI
Ford

PLAINWELL, MI
Chrysler ● Dodge
Jeep ● Ram

LOWELL, MI
Ford
Roush Racing

GURNEE, IL
Nissan

GRANDVILLE, MI
Chrysler ● Dodge
Jeep ● Ram ● Viper

GRANDVILLE, MI
Fiat ● Maserati
Alfa Romeo

ELKHART, IN
Ford ● Lincoln
Roush Racing

SCHAUMBURG, IL
Chrysler ● Dodge
Jeep ● Ram ● Viper

SCHAUMBURG, IL
Fiat ● Maserati
Alfa Romeo

SCHAUMBURG, IL
Chevrolet

ORLAND PARK, IL
BMW ● Mini

AMHERST, NY
Honda

DOWNERS GROVE, IL
Chrysler ● Dodge
Jeep ● Ram ● Viper

JD BYRIDER
CNAC FINANCING
Kalamazoo, MI ● Lansing, MI
Fort Wayne, IN ● Berwyn, IL



Village of Downers Grove
Department of Community Development
801 Burlington Avenue
Downers Grove, IL 60515

June 25, 2015

Dear Department of Community Development,

The Zeigler Auto Group currently operates a Chrysler Dodge Jeep dealership located at 2311 Ogden Avenue in Downers Grove. We have been awarded the ProMaster franchise from Chrysler and have entered into a purchase agreement to acquire the property located at 2501 Ogden Avenue in Downers Grove. It is our intention to establish the ProMaster franchise at this location. We also intend to sell new and used Chrysler vehicles from this location as a satellite of our Chrysler dealership located approximately a half mile down the road.

The ProMaster franchise primarily consists of vans and similar vehicles used by businesses. Many of the sales of ProMaster vans are handled over the internet and via phone conversation with the transaction completed by delivering the vehicle to the business. Accordingly, the traffic related to ProMaster sales to this site will be limited. We will also have preowned vehicles and some new Chryslers at this site which will be retail sold and delivered at this site. We do not intend to have any service work performed at this site. All service work will be performed at the Chrysler dealership. Accordingly, there will be no traffic generated from service customers to this site.

Our plan is to use the site as it is currently designed. We plan to “clean” up the building by refreshing the façade and repairing the front entrance. While we do not currently have detailed plans for the painting or upgrade of the façade materials, we will likely restore the building with a similar fascia material that is on the Chrysler building to give it a more attractive look. We will also clean up the site by repairing the paved areas and cleaning up the trees and shrubs. We will restripe the site to meet the current Downers Grove parking code and accommodate our vehicle inventory display. At present, we do not intend to expand the parking lot area into the undeveloped part of the site. We plan to make the improvements to the site described herein, including the addition of the exit to Cross Street, after we occupy the property and are operating the business.

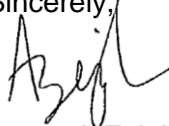
This site was previously used as preowned vehicle sales location by an owner who was undercapitalized and did not have a new vehicle franchise. We intend to use the site with the same use as the prior business, however, the Zeigler Auto Group is very well capitalized and has the benefit of adding a new vehicle franchise to make this location a success. We also have funds allocated to clean up the site and improve the existing building. In addition, we have the unique advantage of operating the Chrysler dealership located just down the road which will

provide the service needs for this business thereby eliminating the need to have service and service related traffic at the site.

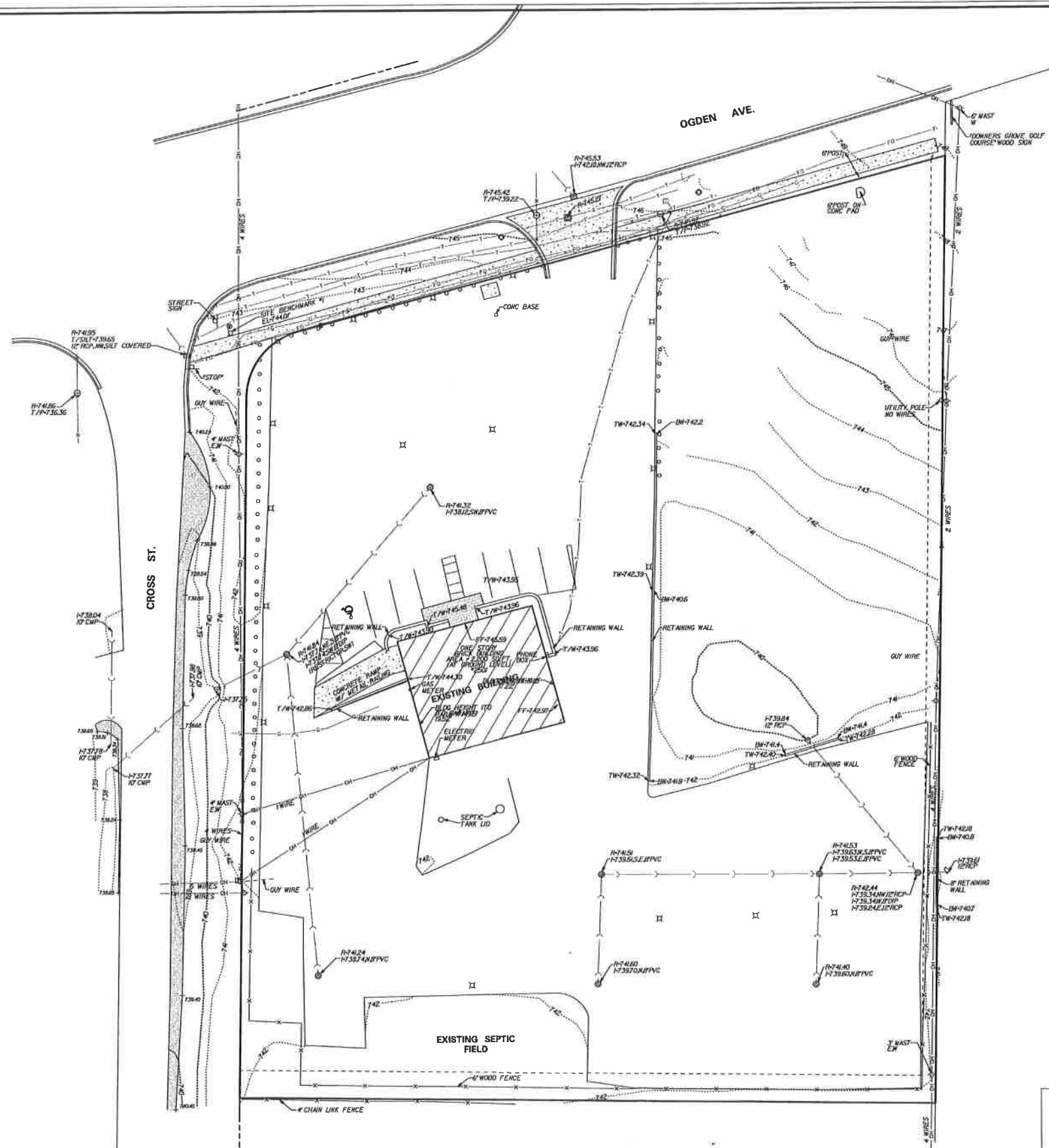
The new dealership proposed at the 2501 Ogden Avenue location will be open Monday through Friday 8:00am to 9:00pm and Saturday 8:00am to 8:00pm. The business will be closed on Sunday. There will be approximately 12 employees working on site. There will be no special equipment used on site and all repairs, maintenance and detail work will be done down the street at our Chrysler dealership. Accordingly, no service work will be performed at the new location.

We respectfully request that a Special Use be permitted for the sale of new and used vehicles at 2501 Ogden Avenue in Downers Grove. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Zeigler", written over a light blue horizontal line.

Aaron J. Zeigler



APPLICANT: AJZ-DOWNERS GROVE II, LLC
 CONTACT: DANIEL SCHEID, 269-207-8640

EXHIBIT B - Existing Siteplan
 Project = Zeigler ProMaster Dealership
 Applicant = AJZ-Downers Grove II, LLC
 Contact = Daniel Scheid, 269-207-8640

NO.	DATE	REMARKS

NO.	DATE	REMARKS
1	07/15/15	PER OWNER

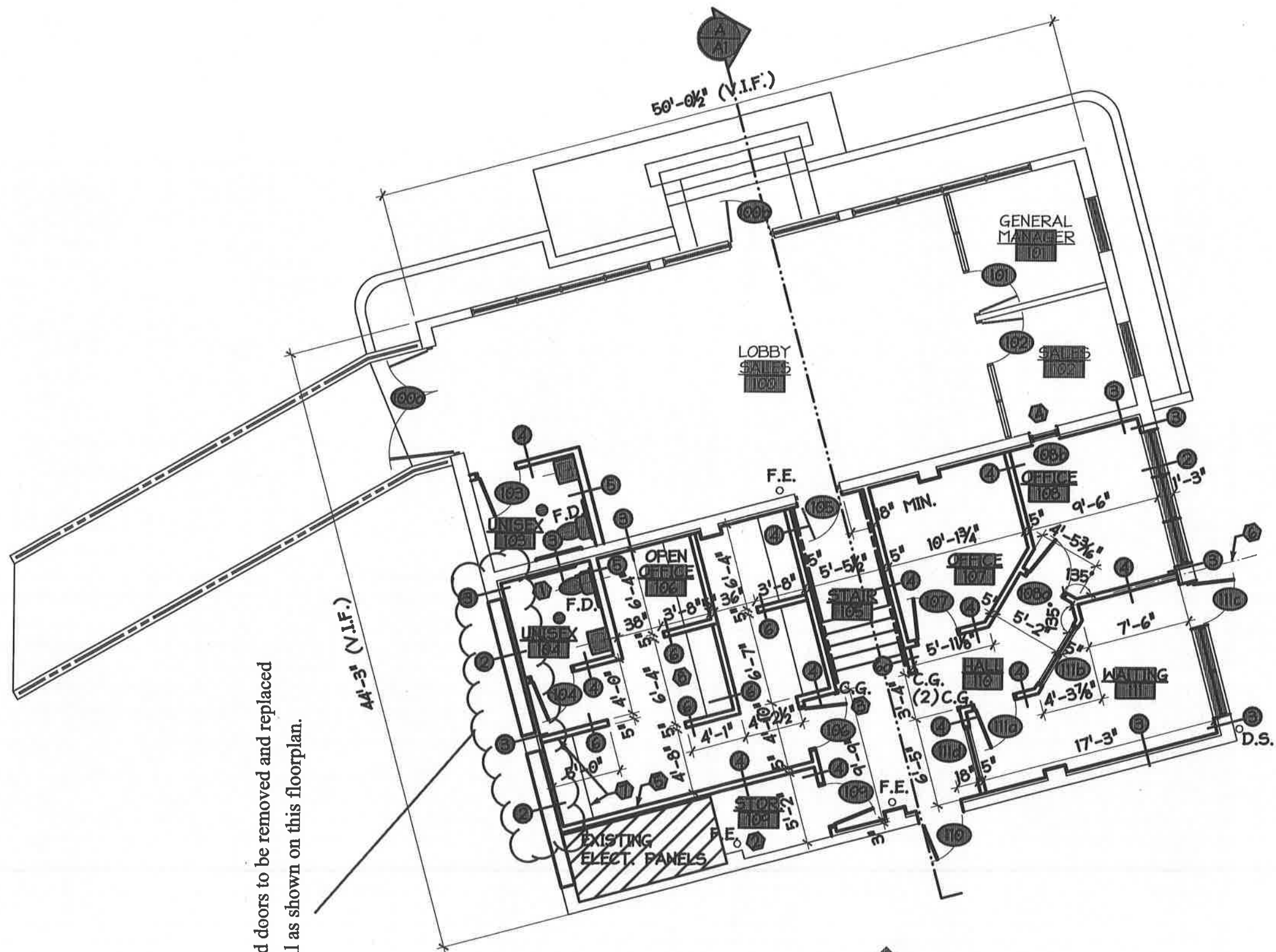
EXHIBIT B - EXISTING SITE PLAN
ZEIGLER PROMASTER DEALERSHIP
 DOWNERS GROVE, ILLINOIS

CONSULTING ENGINEERS
LAND SURVEYORS
 9275 W. Higgins Road, Suite 700,
 Rosemont, Illinois 60018
 Phone: (847) 996-6666 Fax: (847) 996-6668



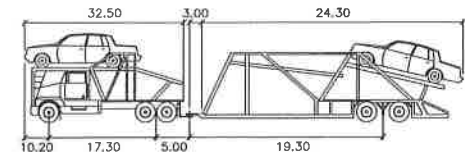
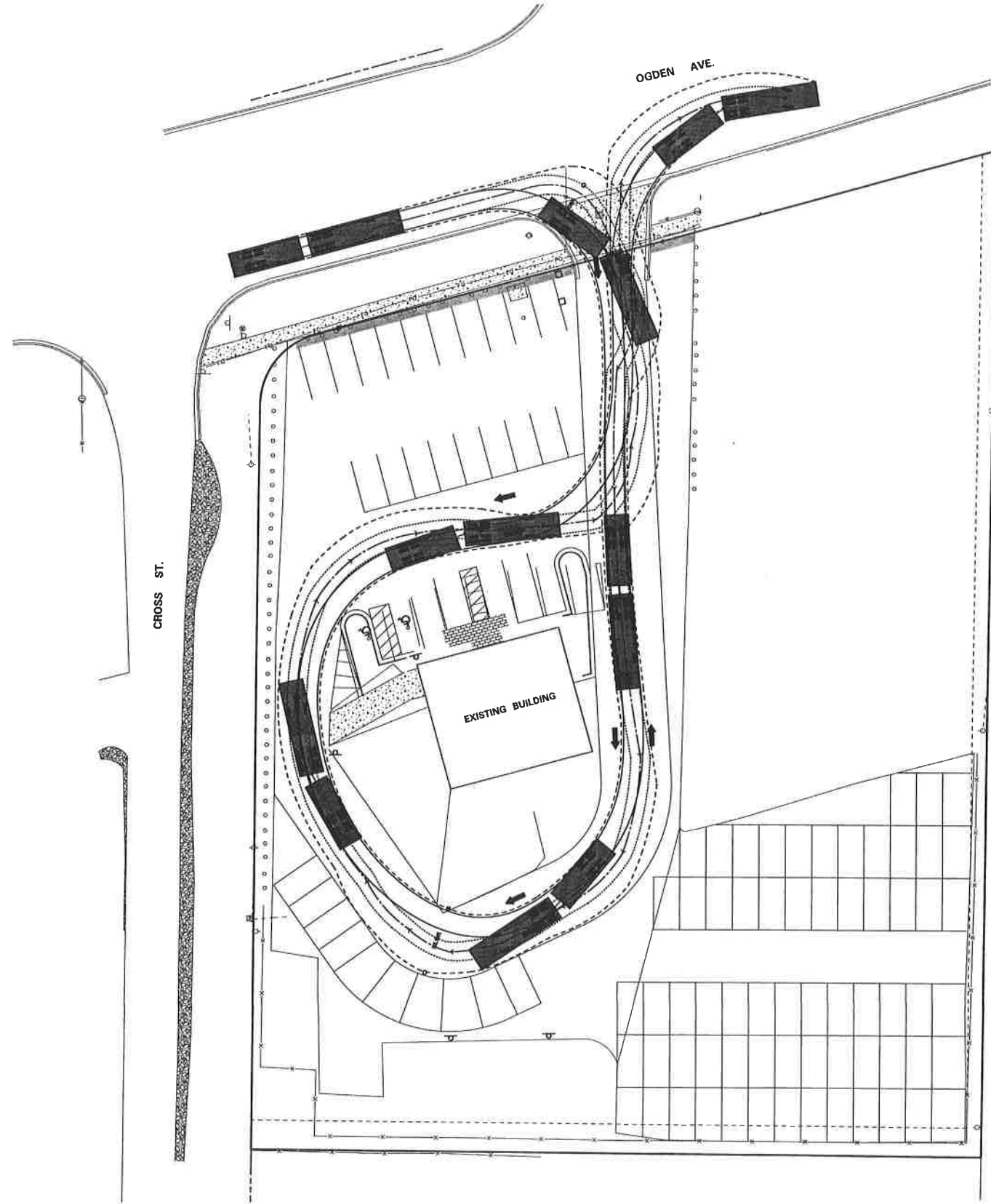
SPACECO INC.
 FILENAME:
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 DATE:
 06/10/15
 JOB NO.
 6122.02
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EX-B
 1 OF 1

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Existing overhead doors to be removed and replaced with finished wall as shown on this floorplan.

FIRST FLOOR PLAN
1/8" = 1'-0"



IHC 7400 6 WHEEL WITH TRAILER

Tractor Width	: 8.25	Lock to Lock Time	: 6.0
Trailer Width	: 8.25	Steering Angle	: 40.0
Tractor Track	: 6.67	Articulating Angle	: 70.0
Trailer Track	: 6.67		

VEHICLE ENVELOPES
 - - - - - FRONT TIRE PATH
 - - - - - REAR TIRE PATH
 - - - - - VEHICLE BODY ENVELOPE

NO.	DATE	REMARKS

NO.	DATE	REMARKS

TRUCK TURNING EXHIBIT

ZEIGLER PROMASTER DEALERSHIP
 DOWNERS GROVE, ILLINOIS

CONSULTING ENGINEERS
SITE DEVELOPMENT ENGINEERS
LAND SURVEYORS

927 S. Higgins Road, Suite 700,
 Rosemont, Illinois 60018
 Phone: (847) 896-4600 Fax: (847) 896-4035



FILENAME:
6122.02TRUCKTURN

DATE:
07/15/15

JOB NO.
6122.02

SHEET
AT
 1 OF 1